

Inquiry into volunteering in Queensland

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I write to express my views about the current state of volunteering in Queensland relating to my experiences in the Rural Fire Service.

There has been a continuing decrease in volunteers for the service.

The amount of disquiet I hear and have myself, points to an alarming continuation in this catastrophe.

The way the first version of the ACT was written was a major reason for many problems for volunteers.

However, it still left some independence of operation for volunteers.

The new version completely removes any independence.

It removes the very necessary abilities for volunteers to be independent. It is an indisputable fact that volunteer organisations achieve so much for so little is that they can self-organise and just get things done. It is not that they do it for nothing.

This is the foremost reason the fall in volunteers will continue unless this Act is repealed and rewritten.

On the change to the Labor governmentt in 1989 the way the Service operated changed dramatically. The Fire Services Act 1990 was enacted. Many of us saw the problems coming and tried to resist the changes.

A new rank obsessed organisation was born, with a quasi-military mode of operation, which, in essence is the anthesis of volunteering, or its organisation.

This new organisation was about control.

I remember seeing a doc which started with the “Commissioners Intent”.

It started with something like “We operate through Command, Control and Co-operation”

There was no doubt that the “co-operation’ spoken of was to obey commands.

That is just not how volunteers work.

QFES effected this control by **maintaining control** over membership, finances, and by writing a set of rules which were, they said, for the governance of the brigades.

(These rules became a contradictory disgraceful mess over the years, much like the Act, which did not mention volunteers at all.)

I quote a QFES “Information Note” entitled *UnincorporatedAssociations-24062020.pdf*

“Unincorporated associations require a minimum standard of governance and for brigades this is provided by QFES through the provision of the Brigade Management Rules, QFES Procedures and Operations”.

There is no doubt, that under the **old Act**, the Commissioner had almost unfettered power to instigate rules – for the fireground – while members were enjoying the use of equipment and protections that QFES and the Act provided.

I could never find a thing in the Act which gave him the above quoted powers off the fire ground, over the unincorporated associations.

It was a con / bluff that worked.

Quote from QFES document *LegalStatusBrigades-24062020.pdf*

“Rural fire brigades are not part of Queensland Fire and Emergency Services (QFES)”

Even so, with this recognition forced on QFES by their own crown law advice in 2011/2012, they did not change their interference in the unincorporated associations at all.

If QFES had a different respectful culture, promoting and strengthening the unincorporated associations, they could have enhanced & grown the service.

Instead, a **toxic culture** developed, where volunteer opinions about QFES often ranged from “We have to put up with them” (blue shirts) - to contempt, leading to many members walking away.

This was a shame, as there were some / many dedicated decent people working in blue shirts.

After 30 years, many / most members were not even aware of the true status of brigades.

The recent revised version of the Act was written on advice from, I understand, a small group of QFES high ranking staff. The possibility that the advice might have been much better disappeared when the commissioner at that time left. The advice given certainly bore little resemblance to any input from any volunteer.

The result of that advice is an Act that is even less fit for purpose than the old version. It is specifically designed to totally remove the democratic self-motivated associations that were Rural Fire Brigades, and to legalise the total control over firefighters by the State.

It legalises the control QFES claimed, and the RFS now has over membership, finances and the rules they write now apply to every single detail of volunteering as a firefighter.

It gives RFS the one power they so ardently desired. The ability to kick a firefighter out. Previously, as was so obvious in the blue card dispute, despite the commissioners’ letters to brigades telling them they had to kick members without blue cards out of the unincorporated associations, they could not enforce it.

I was chair of my brigade at the time and successfully worked to encourage those who were going to resign rather than be forced to get one, to get a blue card, but that doesn't alter the facts about this particular mess.

The rewrite of the Act was, in part, forced on the government due to an assault and grievous hurt inflicted on a volunteer. The RFBAQ had warned of the problems that led to this for many years.

While this improvement in protection for volunteers was needed, it was not necessary to force change / abolish unincorporated associations, that provide the essence of volunteering.

It is entirely unnecessary to force firefighter organisations to be dissolved and their members to be part of RFS, to provide the legal protections needed to ensure that volunteers are properly protected from assault.

The word 'brigade' now only refers to a group of firefighters, as defined, structured, controlled and organised by the commissioner, and has nothing at all to do with volunteers self-organising.

If the government wants to improve numbers volunteering, it has to improve the conditions under which people volunteer. At present, volunteers who are firefighters, are the only volunteers who operate entirely, in every respect, under the control of the State.

That is the very antithesis of democracy and volunteering.

Any rewrite of the Act should reinstate the status of brigades, as it was before. To make this even better, those associations should be encouraged to incorporate, to enhance their role, manage finances and enable building membership. Again, a well written Act could provide all the protections a firefighter must have, while also enhancing their ability to grow and succeed as organisations.

RFS should be set up to support the brigades in a respectful way, while retaining the necessary powers to act when there are major emergencies.

It is a basic democratic right for people to gather, self-organise and do things. When communities do this, a way is provided for group to achieve things that are just not possible for the state. I do not need to justify or "prove" that.

It is the essence of why this enquiry has been set up.

The Fire Act has totally removed this.

Just imagine, if, back in time, not long after WW2 a group of people (in the first place, groups of farmers) had come together and decided, that for the communities good, they would organise, and band together to protect their communities from fire.

Continue to imagine, the State came along and said, no, you can't do that. We have put in place legislation that even bans you from describing or naming yourself as a fire brigade (fact today).

The only thing you can do is join a State controlled body, over which you have absolutely no say in how it runs, what rules are written, or any other thing at all, but the State still expects you to volunteer to put your life on the line by fighting fires.

Do you think that would have worked?

Yet, that is where we are today.

The type of political philosophy and mindset that led to this Act is very similar to the mindset and philosophy that led to the attempt to nationalise the banks in the late forties.

Total control by the State.

It failed then, and this Act will fail the volunteers now **conscripted** into the RFS.

Volunteer organisations often form an organisation to act as a “peak body” to do good work on behalf of those organisations.

That organisation for RFB’s was the RFBAQ. It is composed of properly and democratically elected representatives. It has a wonderful reputation and record for the work done on behalf of brigades.

In 2021 an independent review into the future operations, structure and sustainability of Queensland Fire and Emergency Service was conducted by KPMG.

The RFBAQ was identified as a key stakeholder (documentation available).

As well as castrating the volunteer organisations that were RFB’s, the Act totally ignores this “key stakeholder”.

Instead, we are left with an appointed (by the Commissioner, no democratically elected representatives) committee of six – which the Act is at pains to make sure has no power at all.

Total control by the State.

Brigades are now part of the Queensland Government under the QFD. This is no different to any other Government employee except that you don’t get paid, and you have no protection from the “employer”. None.

What can be predicted about the future performance of the RFS under the present Act? Looking at the performance of its predecessor is the best indicator.

Good people within the blue shirts will try to do good work, and the [REDACTED] will be protected and deeply imbedded with greater powers.

The toxic culture will most likely prevail, unless the Act is rewritten.

Volunteer numbers will continue to fall.

The facts about brigade finances under the **old Act** were decided by Crown Law advice given to QFES in about 2012, in short (from an email from Assistant Commissioner rfs.ac@qfes.qld.gov.au (attached)):

“State Money: Any money received or held for the ‘State’ (Public Monies)

Council Money: Any money collected by council on behalf of the community. The brigade is accountable to council for the funds.

Brigade Money: Any money collected or raised by brigades. The brigade is accountable to the community for all money raised and expended.”

and the status of Rural Fire Brigades was clearly established as independent organisations after the Malone Enquiry (under the old Act).

Quote from QFES document *LegalStatusBrigades-24062020.pdf*

“Rural fire brigades are not part of Queensland Fire and Emergency Services (QFES)”

RFS to this day, (at my last brigade meeting a few days ago), through the Acting Area Director, claim to be able, and did, direct the expenditure of those brigade funds, still held in the old unincorporated association account.

The only reason, under the new version of the Act that the RFS has not just taken those brigade funds, is they know the truth of the rulings in 2012. It is not their money.

The thing that has happened since the new version of the Act is that RFS is trying to bluff people into transferring those funds to the RFS.

I say “people”, as the status of the old independent organisations once termed “brigades” is now uncertain.

Do they, the unincorporated associations, exist at all?

The old brigades used to raise funds from the community. The public can be extraordinarily generous in making donations to brigades. I have walked through large crowds at a local festival with a bucket collecting donations.

Can you imagine asking for donations that will be deposited with a state government body that, in essence, can do whatever it likes with the money? People will donate to a local organisation willingly. I doubt they will do so to the State, given the level of distrust in today's community. I know I would not ask them to donate under such conditions.

The bank account that QFD holds for donations is the Queensland Volunteer Rural Fire Brigade Donation Fund which is the Trust that QFD operates. This Trust is not reported publicly. RFS is endeavouring to, is pushing brigades to put their monies in this account or some other account that is totally controlled by the QFD.

Not only does the QFD not have to report about this fund, it now refuses to supply any information about or release information about brigades, membership or fleet numbers.

This is the total opposite of good and transparent governance.

The QFD is not obliged legislatively or industrially to talk, (and will not) to any external organisations. This again is the total opposite of good and transparent governance.

The brigade account (of the former RFB unincorporated association) that has signatories could be argued is now the property of the signatories to that account, as the entity of the brigade no longer exists.

1,400 unincorporated associations have been dissolved.

This leaves the formerly named brigade bank accounts in a pickle.

Normally when an association wraps up the funds and assets are gifted to another association with like goals – (link to the model rules for QLD Incorporated associations - <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/9a54beb5-8288-4ddd-847b-459a97822119/model-rules-of-version-8-01.08.2024.pdf?ETag=351ef21844c099861432b4235da27616>) and while brigades were unincorporated, really the same intent should apply.

It doesn't take a strong memory to recall \$20 million of QFES funds being spent to pay for covid related matters which and nothing to do with QFES.

The Fire Services Act 1990 was unfit for purpose (refer to RFBAQ) from day one and was built based on a different culture and control base alien to the old service, and I believe / hope, not a culture or philosophy the present government would endorse.

Premier David Crisafulli recently said an LNP-led state government will always back the decision of on-ground experts, and “If you believe in people, you believe in local decision-making”.

Not all rural fire brigade members are on ground experts, or want to lead on a fire ground, but many are and would. The key to enhance volunteering in a rural fire brigade is to have the paid and trained staff providing clear and consistent information and support.

Volunteers do their best when in control of, and develop their organisations at a local level, and have the assistance of government when needed.

The idea of self-motivated people banding together to help each other in times of need (the essence of volunteering) needs to be supported and enhanced.

This has been subjugated / replaced and controlled by (some) people whose primary motivation was often self-advancement, and control of others.

The latest changes to the Act, on top of years **of the old QFES staggering from one bungle to another**, has led to the establishment of an organisation where volunteers have been made quasi employees with none of the rights or protections an employee would have.

The new Act imposed by the previous government, is less fit for purpose than the old 1990 version and is built & designed to disempower volunteers and is empowering people who are not volunteers.

To quote my local Fire Warden, “None of us would be here in this new setup if not for the fact that we still want to protect our local communities.”

The Act needs to be rewritten to re-empower volunteers, re-instate the status of brigades as independent agencies, possibly as incorporated associations and create an (independent from the QFD) RFS paid section whose purpose is to support, not control local brigades.

The result will see a climb in numbers, not the present decline and situation of disenfranchised, demoralised people.

Their role must be to enable, to organise and direct volunteers when large emergencies are to hand. It is possible to formulate an Act that achieves local growth and respect for volunteers, and management of large disasters. These are not mutually exclusive things.

The present Act only caters for command and control to the detriment of volunteering.

Toxic Culture.

It is not helpful to just say that a toxic culture existed in the Service. That would need some demonstration.

Some direct experiences as a volunteer in local rural fire brigades follow, and my experiences when that toxic culture affected me. I will try to explain how those experiences might help illustrate changes that would enable growth in volunteering might happen.

In fact, the first thing that needs to happen, is the retention of experienced firefighters. The toxic culture across parts of the service has already driven thousands out.

I first joined my local primary producers brigade in either the late 1970's or early 1980's.

I joined my local truck brigade which neighbours the area of the primary producer brigade in the late 80's / very early 90's (to the best of my recollections), and a second local truck brigade as well in later years.

Somewhere about 2018 / 19 I stood for Chair of my local brigade. Until then I was one of those members who maintained membership but was never actively involved unless there was a fire.

During my time as Chair I submitted two successful applications for funding from the GCBF and we built our first shed to house our 51, and later instigated the work to get a second hand 41.

In the very early days of my term of Chair I received an invitation to attend a function from Area Office to attend a function at which an Assistant Commissioner would be attending.

This was the first of a series of terrible mismanaged things by the management of QFES, and they adequately demonstrate the toxic culture present in the Service.

I cannot remember the specifics of the matter, but sufficient to say that there was a major stink going on, which QFES (Rural Fire as well as SES) felt it had to address, with Assistant Commissioners going to a series of meetings across the State to settle things down.

At that function, the Assistant Commissioner started his speech by spending several minutes ripping the name and reputation of a volunteer to shreds. That particular volunteer was not present and also happened to be the [REDACTED].

I stood and objected and was told that "supposedly" he had done this and that. I told that fellow to get on with the purpose of the meeting and to stop bad mouthing someone who was not present.

My thoughts were, that, if this is how this mob (QFES) works, someday I could cop it in a similar manner.

It did not take long. I remember someone else who was there, saying to me, that I must be new, that those princes of QFES were not used to being stood up, and to watch my back.

At one of the first meetings, I chaired for the brigade, I asked for the membership list. Remember, this was the membership list of an unincorporated association not controlled or owned by QFES.

I was told that only the secretary was allowed to see the list, by order of QFES. It is impossible to Chair a meeting if you do not know who is and who is not a member. Who votes?

The secretary said that she could be chunked out if she gave me the list.

I wrote to the Commissioner. He replied, in time, with words along the lines of "the membership list was to be used for the effective management of the brigade"

Shortly afterwards, at a large combined meeting of brigades held in our new shed, I was publicly torn to shreds for daring to write to the Commissioner, by the Area Director, in an act of gross public bullying. As I said, it didn't take long.

The disgraceful first part of the abuse directed at me was "The First Officer is in charge of the brigade, and you had to take that complaint of yours through him".

That process to write (to the Commissioner) was in place and was specifically for any volunteer to be able to do so, without any interference from intervening ranks.

That Area Director was, I later established for myself, completely aware of this, but didn't let that get in the way of his tirade.

A couple of years later at an annual general meeting of the second truck brigade I had joined, the Chair of the brigade asked the officer from Area Office, who was present, to hand over a copy of the membership list of that brigade. There had been the blue card stink, and we needed to know who were still members.

The brigade management rules, written by QFES, clearly stated that the membership list must be tabled at every AGM.

That officer refused to hand over, or table the list. Eventually the officer read out names from the list.

This demonstrates the toxic culture present in the Service, how they were determined to maintain control of memberships.

The toxic relationship that can develop between the First Officer (FO) and Area Director (AD) is a direct result of the wording of the old Act and is made worse by the new Act.

The chain of command in this rank obsessed organisation is FO to AD. The result of this is that the FO can combine with the AD with some awful results .

The old Act had words to the effect that “The First Officer is in charge of the Brigade”. However, it was followed with paragraph/s that made it fairly clear that “being in charge” was on the fire grounds.

The new version of the Act makes this much worse, with the First Officer given much wider powers including being able to sack fellow volunteers.

Later, I will demonstrate how (as I have seen in Primary Producer brigades where people mostly operate without this rank structure) well things run when common sense and respect are the controlling factors.

When I was first in the Chair, a member spoke to me saying that the First Officer was interfering with the membership lists, removing members he did not like without due process, and adding members without due process.

The second was correct with **area office** approving and training people who had never been approved as members by the brigade (immediately before an AGM – the new volunteers being friends/rellies/employees of the first officer). The first was also correct, but an old list of members was reinstated.

We worked through this out in the open at a general meeting, and resolved the matters amicably. It was basically part of the toxic way QFES ran, which filtered down to the first officer, at least that is what I told myself at the time.

I think the first group meeting I attended as Chair of my brigade was instructive. I heard people (all leaders from across brigades) talking about brigade finances. The general opinion was that brigade monies were state money and controlled by QFES.

During the meeting I asked the Area Director to speak to this and give the correct information.

The result was – a solid bullying putdown along the lines of “I’m here to tell you that brigade monies are state monies etc etc”. I had no way to refute him, but did so by gathering the correct information later (as detailed above) and publishing it.

Here is a true demonstration of that toxic culture.

That AD was very aware of the true status of brigades and their funds. Some weeks later when I saw him, I raised the matter. His response “Now that they have let that cat out of the bag, it is going to make things harder to control”

A few group meetings later (AGM I think), The Chair thanked the brigade representatives for bringing their forms which indicated the new reps to group for the next year. I looked at our first officer who was there, as I knew nothing about it.

I asked the Chair. He said something along the lines of “You know, the forms from where your brigade votes to elect their rep to group.”

No, I did not know. The first officer had been in the position for some years, and never let his brigade know anything about voting for the position. He just filled out the form saying he had been elected.

The AD was aware of this, I watched his face in the discussion.

A culture that allows this is toxic, dishonest and rotten. It was just the de facto way of doing so many things. It came down the chain of command.

Before covid, about 2018, there was a major fire coming out of a nearby (to my property) National Park. My old (the first brigade I joined) primary producer brigade was the one, that has for decades, been on the front line for these.

They asked if I could arrange to use my truck brigades 51 unit on the fire ground, to act to be able to keep slip-ons full. The fire was mostly in steep to rugged country under major cliffs, and had a front, in the end, of about 18 klms, and more in the park, which the rangers were handling.

The property owners all had their slip-ons, pumps and any other gear needed including a body truck set up as a tanker – though it was no use in steeper country – and plenty of experienced hands.

I agreed and organised the use of the 51. There were no other fires in the Valley, my brigade had two 51’s in the shed at the time, and the other local brigade had a good 41.

I was on and off the fireground for about a fortnight, many long nights and days, while trying to keep cattle fed & watered etc on my place.

I had been parking the 51 at my house each morning after the nights work. At times it took well over an hour to get to the fireground from my home and would have taken another solid 2 hours to return it to the shed, and return to get it every day. This all by proper arrangement.

About halfway through that period, I received a call from my first officer ordering that I return the 51 to the shed each day. I was doing 16 and more hour days every day and suggested what he might like to do with his order.

When he first rang, I honestly thought he was ringing to offer some help by doing a shift.

I don't remember the exact timing, but after about a fortnight on and off the fire, I returned home and the fire was basically at an end. I found a message left on my landline, that I should get to the local (1.5 hours away) hospital as my wife had been taken to hospital with a suspected heart attack.

As I had been going to return the 51 to the shed, and mindful of my first officer lurking, I rang friends to ask if they would come out, pick up the 51, refuel and rewater it and return it to the shed for me, as I had to head straight out to the hospital.

They agreed. They did so after work, and found the local shop shut so could not refuel, and found the water tanks at the fire shed locked with no key in evidence (the keys were in the pocket of the FO where they should not have been), so they were unable to fill the water tank.

They left the 51 locked and parked at the fire shed.

The very next day I received a totally abusive email about leaving the 51 empty of fuel & water, and in a filthy state and that a water pump was missing etc etc (I had left the pump in a shed near the fireground as I could not lift it on to the truck on my own)

That truck had been on the fireground for a about a fortnight, of course it was dirty. Thanks very much Mister First Officer, [REDACTED] to Mister Area Director who had a staff member type that email.

I never received an apology. I did write a report outlining the facts and sent it to the secretary. I asked to have it read out at our next brigade meeting. After it was read, I left the meeting. Another member said to me later, that the AD, who was at that meeting, intimated, after I left, that I was lying, that I had changed my story. The only place or time I told my story was in that written report.

I can relate several smaller incidents, and a couple of others of a similar incidents that have been as bad for others in my area.

This demonstrates a toxic culture. It continues to today. It comes from a setup operating under an Act that is not fit for purpose, and a command structure that enabled such events.

Rewriting the Act is the only way to fix this.

The fire I referred to above demonstrated just how effective good management of a fire ground can be.

It was, in fact, the best managed fire I have been on. I have been on many fires, on that same fireground on previous time decades before, neighbours fires with my own tractor, on my property, the fires in my valley which were on when [REDACTED] fires were on, [REDACTED], [REDACTED], [REDACTED] and so on, but that was done as well as I have seen.

Why? It was a big fire in very difficult country.

QFES was not involved.

It was volunteers and landholders with the necessary skills to get the job done, with the only significant equipment from QFES being the 51 I was using.

The agreed command structure was simple. If the fire is on your country, you are in control. One of the properties owners felt they may not have the necessary skills, and simply asked the next landholder who had excellent leadership skills if he would do the job.

Done. With respect.

One event in the middle of the night demonstrated very well how decent “command” structures work.

We had stopped for a hot meal, a lot of people gathered. A rep from our area office, who was a really decent bloke arrived. He did very well just to find us.

Shortly afterwards, one lady present, who is fairly straight forward, said to the bloke from area office “What do you see as your role here?” He understood very well – “No, No I’m just here to offer any help needed”.

It was quite funny, as he then said he could show us where the fire was, as he had flown over it that day, and pulled out his i-pad. I heard a quiet drawl in the background “We know where the [REDACTED] fire is it’s just there on the [REDACTED] ridge”.

However, the point is, that the best way for RFS to work is to be able to offer necessary support, and they were there and did just that. It might have been needed.

On leadership rather than command: on that same fire, different night, we had gathered and paused for a meal.

The bloke who was leading the work was somewhere else, and at the end of the break there was a pause – who was going to give the needed planning and directions?

A young mum stepped into the middle and just simply said something like “ Could you guys go here and do this, could you three go there and do that , etc etc, and [REDACTED] could you and I take the 51 and do the other”

It just happened and everything continued smoothly.

These people never have much, if any contact with QFES. It should be possible for RFS to build a similar culture, but with the present setup, that will not happen.

Earlier, I referred to **the old QFES staggering from one bungle to another.**

Another bungle was the mess they made of the [REDACTED] community and brigade.

I had been in the area for work reasons. We had been thinking of downsizing and trying to buy in a rural area near the coast.

I had inspected a property that would have suited us.

QFES sacked the entire brigade. Were there problems? Certainly. Was there bullying of community members. Probably.

Did QFES handle the matter very poorly? Without doubt.

They certainly had the power to just remove the people they thought were the problem. Instead, they smeared the entire membership.

QFES came out and announced that there was financial impropriety.

Remember, Fire Brigades never receive State money, and crown law advice had established beyond doubt that brigades were responsible for funds they held. As an unincorporated association, this meant they, each of the 42 (I think) members, were personally responsible for their monies, not QFES.

QFES smeared every single volunteer. They had no place to do anything except to report it to police if they thought there were money problems.

I attended the public meeting called by QFES at which two Assistant Commissioners attended.

They had a tough job, but I have no sympathy for them. The things they said and did only made things worse.

Near the end I stood and asked to speak.

I outlined the proper status of RFB's. I let those present know that although QFES had removed their registration as members and as a brigade, that their unincorporated association still existed.

I said that QFES could not give them any instructions or directions and suggested that they re-apply as a community to form a new brigade. I outlined the process exactly as defined by the QFES manual.

I suggested that they should probably ask the old executive and first officer to step aside to facilitate the process.

Someone asked the Assistant Commissioners if I was correct. There was a pause, and one replied, that, yes, I was correct.

That is exactly what those Commissioners should have said themselves, instead of continuing on their power trip.

At that time, it rained very heavily. We were under a low tin roof and could hear nothing. The meeting broke up.

I had met one of those Commissioners previously. He came up to me, hand out to shake hands.

[REDACTED]

[REDACTED]

It was an adequate demonstration of the toxic culture within the command structure of QFES.

A couple of men approached me shortly afterwards, said they were local, had never been in the brigade, that they were interested in helping get a new brigade running, and would I help out.

As a result, I was privy to the emails that went back and forth trying to get things done for a while. Those two blokes told me they gave up because of the amount of [REDACTED] from area office.

I have seen some swill in my time, but I can tell you, that some of the emails out of Area Office, one in particular, were the worst I have seen.

They bore no resemblance to advising the correct way to reinstate the brigade.

Some time went on. The Area Director organised a day to re-open the brigade with a different name. He had 2 members and hoped for more to sign up that day. He ended with a total of six. A brigade must have a minimum of seven.

He announced that a brigade had been formed. I later asked him about this, and he said – well – umm – the members were acting as a temporary committee until they found a seventh member.

The reason I asked him was, about that time we had a meeting and only 6 showed up. The rep present from Area Office ducked off and made a call to the AD for advice.

The advice was – If you can't get enough members together to hold a meeting we may well shut your brigade, lock your shed and transfer all your gear and vehicle elsewhere.

The hypocrisy is mind numbing to this day. That fella shut [REDACTED] down, and felt he could threaten similar action anywhere.

The old QFES staggered on to the next bungle.

It cost the service thousands of members and caused a schism within the membership.

The Blue Card Fiasco.

I said previously, that as chair of my brigade at the time, I worked to keep the members together and encouraged some to get their card.

The problem was that QFES had become this power informed thing that had no respect for its volunteers.

If they had simply done the whole thing with a different respectful manner, things could have gone much better.

They just ordered all members to get a card, or they were out. Many just gave them the middle finger and said they were fine with that and left.

It would have been so easy for QFES to approach things in a better manner. They could have advised that any brigades with juniors needed to have cards, and if other brigades had very little contact with minors, that only members with a blue card could be in attendance when minors were at a brigade activity.

I know of no situation where someone needs a blue card **in case** they meet someone in a public place in the course of their duties. Everybody would have to have one – yet that was what QFES seemed to suggest.

When you apply for a blue card, it is made perfectly clear that you may only apply if you will have contact with minors. When the card arrives, the letter with it states that you must let authorities know if you no longer have contact with minors and must relinquish the card.

I have asked a ranking QFES officer about this. Yes, he said, they were aware of that and had tried to get the relevant authorities to change it, only to be refused.

Most RFS volunteers will not be aware of that as RFS gets the card for them and they never see that information.

This means that most RFS volunteers, who never have contact with minors in their role as a volunteer, should relinquish their card, if they followed the instructions from the blue card authorities. RFS would then sack them.

Time goes on, and one then finds out how the system works when you have developed a, let's say less than best friends relationship with the powers that be in QFES, especially your First Officer and Area Director, and a few higher up the chain.

One day I received a call from somebody in QFES, to advise me that a complaint had been made against me for bullying, and that they would be in touch.

The process that followed extended over a very long period, and almost hospitalised me a one stage with severe anxiety problems.

After that I heard nothing for months. (I am writing this from memory. The records are in place, but I do not care to dig through them at this time.)

Eventually I asked my solicitor to write to them. There was no response.

Considerable time went by. I contacted an Assistant Commissioner by phone. "Oh dear" he says, I'll look into that and get things done.

Months went by, and I again contact the same fellow. I had the same sort of response, promises made that it would be sorted.

Nothing.

For months and months.

I can check, but I think about a year had passed. I wrote and found the correct way to make an official complaint. I did so, and also outlined the actions I would take if there was no response.

Surprisingly, several emails and calls arrived. "Oh Dear – this should never have happened"

Somebody was in touch and asked if I was happy to put the process off until after Christmas. I agreed.

Some time after Christmas we met. I asked if I could have a witness present. They agreed to that.

We met this officer, and he brought a fairly senior person with him to take minutes.

The mate I asked to be my witness has been a volunteer member of the service, has gone as high as you can go in volunteer ranks and is well recognized for his abilities.

He also has had similar experiences of QFES [REDACTED].

He brought a written account of his history.

It was an interesting day. We were asked some interesting questions from time to time and can say that some QFES officers I have had interactions probably would have had some reprimands. This wasn't as a result of things we raised, rather responses we gave to questions.

At the end I understood that the matter would come to an end.

We heard nothing for a very long time. I had put it out of my mind.

Then I received a call from a high-ranking officer asking me to meet about the matter.

I did so. Something or somebody must have reactivated the matter. Apparently, the people we met on the previous occasion had not completed the work – or had just done nothing – I do not know.

Here's the thing. When I met with this bloke, I found one of the fair ones in QFES. He advised that he had done a thorough investigation, had read and researched all emails/correspondence, interviewed several people and made sure no stone was left unturned. He had spent a lot of time doing so.

He found that I had absolutely nothing to answer for. The charges were false.

I asked him, and he knew it was a fair dinkum question: "Are there things I should have done, or anything he wanted or felt I should have done better" or words to that effect.

His reply was without hesitation. He said "No".

In the ensuing conversation (I cannot remember the exact words), but I think I asked if it was over.

He said something like "Yes, and he had made it clear to the other parties that it was finished". He also said something along the lines of ; "If it is continued by them, he will be taking action and somebody will end up out."

You are never told exactly who made the complaint, but I have gathered enough information and have not been refuted to be able to be certain of the involvement of the First Officer and Area Office.

Time went on. I was active on fires, including on at a place called [REDACTED]. It was a pretty bad fire.

I went with our 51, and met a crew from another brigade on site – we were just supposed to be patrolling the edge of a blacked out fire, to check it didn't start up.

We had no communications at all due to the location. Long story short – it was a very long and at times quite dangerous day. It was late afternoon by the time relief crews got to us, once somebody realised we were in strife, but it was all over by then.

I used to have a very bad and ugly limp. It was a degenerative condition from several injuries to my knee. After that burn, I was not only exhausted, but I could hardly walk at all.

The next day I was back on the ground as was the Area Director. I spoke to him. I had to go home later in the day, as I just could not function, and the AD had seen how bad I was.

A few years later I was on a fire, and the brigade chairman advised that he and the FO had had a conversation about whether I should be on the fireground with that limp. No action taken. I agreed to just act as a cockatoo on the burn, and did not pick up a tool.

Quite a long time went past, and a few years later I still had a disagreeable relationship with the FO and AD.

I had had a knee replacement and 3 months after that operation was as fit and able to get around as I had been in 20 years. I used to be a trained athlete and know how to do the work to get fit.

Together, the FO and AD put in a report that I wasn't medically fit. 3 months after the operation. I objected, and refused to spend the \$500 (travel, accommodation and Drs fees) odd it would have cost to get a certificate to certify I was recovered from the operation.

A senior officer was in touch and said "just send a stat dec that you have no workplace injury or illness & that I have no none work related injuries".

I did that in 2022. That, I believed was the end of the matter.

The thing is, when I did have severe injuries and disabilities, I was fine to be on a dangerous fire. The AD said and did nothing after that fire at [REDACTED]. He saw how bad I was.

Since then, another person in my brigade has had an arm in plaster. No such report for that volunteer.

I thought it was dealt with. Now, years later it has resurfaced at my last brigade meeting, with the present AD asking me to send information.

I ask; would I be out of order to suspect that this is all just [REDACTED], and that the bloke who warned about the princes of QFES, now RFS and that I would need to watch my back.

You might have read all this and decide that I must just be a troublemaker. I will stand on my record on fire grounds and as Chair and achievements while in that position.

I attended the major debrief after the fires at [REDACTED] and district, [REDACTED] etc. We had four fires to deal with in my Valley. We dealt with the worst of them with no QFES equipment. QFES had pulled it all out to other fires. We had to gather up bits and pieces of private equipment and do the work to save houses and country.

At the first break of that debrief I spoke to the person (up from Brisbane) running the show. I asked him if there would be a minute to thank the blue shirts for their work.

He was quite surprised, saying they were more used to kicks in the shins, or something like that.

I replied, that no, the blue shirts made plenty of mistakes, but nobody died, and that was quite miraculous. I said the blue shirts deserved thanks.

He asked if I would do it. I did not feel it was my place, that a first officer who had stood up well might like to do so. I am fairly sure the [REDACTED] FO did the thanks to the blue shirts.

I also am very well aware, that if all the people who have walked away because of this toxic culture put in a submission to this committee, that you would be overwhelmed.

The Act as it stands, and the toxic culture within some parts of the paid RFS demands better for volunteers.

Please take the time and do the work to fix this and to rewrite the Act.

Inquiry into volunteering in Queensland

Submission No:	563
Submitted by:	Mark McLachlan
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Attachments:	See attachment
Submitter Comments:	

Thank you to the Qld Government for the opportunity to submit input to this enquiry.

While there is a continuing decrease in volunteers, it is worth noting why so many do volunteer.

From that, it is possible to think about how to build volunteering.

Many volunteer as they followed the example set by their parents.

I remember pulling a heavy roller up and down tennis courts at primary school, as my parents volunteered as members of the P&C, and one of the things they did was help prepare for and run fund-raising events such as tennis tournaments, and they were also in multiple other associations.

It seemed natural to be involved and volunteer through secondary school, late teen years through to marriage.

I can say that that is the period, when both partners are working and saving, and starting a family that volunteering paused. It was natural, the time was so busy.

By the time my children started school, the opportunity to again volunteer popped up, the P&C.

Since then, I have volunteered for and been on the executive of multiple community, industry organisations and boards.

Today, it is true that young people working, saving and having a family are much more constrained financially and timewise to be able to volunteer. That is just a fact of a changing society.

However, the constants that have not changed are the reasons people volunteer. They can be wide ranging, from satisfaction, enjoyment, a particular need, an offer to join, that people in society have an instinct to gather and organise to do good things and so on.

Many do not experience parents who volunteer. The concept of volunteering is and has been integral to the development of our way of life.

As such, everybody should be exposed to the concept of volunteering and how to volunteer, which should be taught and enacted in schools, in the same way other essential skills are taught.

If children were asked: "What is something you would like to do that might be best done as a group? What would you do?", it is plausible they would say "We'd get together (hold a meeting) and start to work out how to do it"

They have no knowledge about how to do this, what it might be like, and that is exactly the way it is today for so many across our society today. This is often exacerbated by excessive government in the community, which tends to leave people thinking “It’s the governments job”

Mixed up in that are the models of organisation set down by government.

When school children want to meet, it would be natural to be taught how to do it.

I was, as a school child, but if it is still taught today, it seems to me it is not being too effective or done on a wide scale.

I know society and needs have changed, but it would seem that the knowledge required to be able to self-organise and meet would be a constant.

The key concept about meeting that seems to have faded is that of a public meeting, how they are called and how they might be run. That is the first step. The natural progression to forming an association and how to do so follow naturally.

Apart from rules and regulations that apply, a key concept that needs wide education, and should be key in children’s education is meeting procedure. That is where I first learnt it – at primary school. We learnt how to set up a club, run it and achieve goals.

Quote:

“Meeting procedure:

Scant treatment is given in relation to the proceedings of the actual meeting of a corporation by the Corporations Law and the Associations Incorporation Acts.

Each deals with the basics to convene a valid meeting and how members may cast their vote, but procedure for the decision making process is largely absent.”

Meetings of Incorporated Associations - Alan Davidson

(LLDip, BA (Woll), LLM (Qld); Lecturer~ TC Beirne School of Law, University of Queensland; Solicitor of the Supreme Court of New South Wales and of the High Court of Australia)

This is a prime opportunity for the Queensland government to leverage the Education portfolio to support growth in volunteering across Queensland.

There are many, many volunteer associations across society. Many people will never need to form an association. However, knowing the basics of how to do so, and the enjoyment school children should derive from building their own, will help set that knowledge in the minds of people, and enhance the possibility of volunteering later in life.

In Queensland, volunteers often organise as incorporated associations, companies limited by guarantee, or, less so these days, as unincorporated associations.

The State sets rules and regulations applying to many aspects of running these organisations through Acts and Regulations.

This is where the effectiveness and efficiency of current government support at all levels for the volunteering sector in Queensland can be best improved.

Work done relating to these governing documents should centre around having a goal for the relevant Acts and Regulations to aim to help create more sustainable opportunities and improvements for the volunteering sector.

This can be achieved effectively by changing the Act and Regulations to better ensure that management committees understand that ultimate power in an association resides with the members.

Effective training for members of management committees should be mandated, and their responsibilities clearly understood.

Although most volunteers operate through a NFP (Not for Profit) or a Company Ltd, there can be a wide gap between being a volunteer, or a group of volunteers who incorporate and being an NFP or Company Ltd.

It is my understanding that a Company Ltd can operate as a NFP or a charity.

I also understand that the primary reason for operating as a Company Ltd for NFP or charitable reasons is to be able to successfully operate in two or more States. (Due to different regulations in States.)

I have seen several instances of groups set up as Company Ltd's which only operate in one State. It is my experience that this is done as the membership and executive of a Company Ltd has much less democratic rules about their operation and membership.

In effect, four people could run and control a large Company Ltd, and have many volunteers and employees working for them, with those four people never losing control.

Often due to the skill base of the employees and management, these companies can soak up considerable funding available in the community.

It is as true, that there are many large NFP's with employee's who are skilled in writing and achieving considerable funding.

It would not be ungenerous to say that getting that funding in place each year is the primary objective of these organisations.

Whether or not the present funding methods are the best way is now a moot point. Chook raffles can be hard work.

Whether the funding gained by large NFPs or Company Ltds is well spent, it is a fact that it is a perception in the community that the funding playground is not level, and sometimes community sees some of these organisations and their business model as inherently unacceptable.

I would recommend that, unless a group can demonstrate that it operates consistently across State borders, that it not be eligible to operate as a Company Ltd in Qld. This can only elevate the current state of volunteering in Queensland.

I do not know how but would also suggest that the funding requests from large NFPs and their performance records be carefully scrutinised across years of operation, and how the objects of those associations are being met.

If the main object seems to be to keep themselves employed, some hard choices need to be made. This can often be seen in the books of some, where every service they provide is charged out, with some “charities” books I have looked at having turnovers of hundreds of thousands of dollars with no or very small actual charitable and or voluntary work.

In Regional and Rural Qld, volunteering groups are often smaller, just due to being in smaller communities.

That is not to exclude any other small volunteer groups, however the skill base to seek grants can diminish the further west and north in the State.

I am referring to volunteering groups, as many NFPs are truly groups of volunteers, and that is a distinction that needs to be made when government at any level supplies funding to the community.

It also makes considerable difference when smaller groups of volunteers need to understand how legislation applies to them. Often, the knowledge, or ability to interpret legal documents, or make winning funding applications is simply not there.

Would it be possible for legislation be written in such a way as to make operating very small volunteer organisations easier to be able to comply with law and regulations? This could have a positive effect for many sections of the volunteering community.

Should government do all it can to simplify funding applications?

I have been on the board of a large industry body. A committee of 14 met several times a year to conduct the business of the association, and a CEO and staff operated the business side between meetings.

The organisation had members from across Australia and a large budget. The members met once per year at their AGM which was attended by big numbers.

I understand the need for some incorporated associations to operate in this fashion.

I also understand that some incorporated associations choose to operate following this model.

The Associations Incorporation Act 1981 and Associations Incorporation Regulation 1999, as they are presently worded seem to have inherited much from the Corporations (Queensland) Act, and or the Commonwealth act or its predecessor in relation to association management.

If I am incorrect, it may just be that they were written by a government with a philosophy that believes top-down control is how associations for volunteers should operate.

The Act and regulation are worded to seem to place total control of the association in the hands of the management committee. In the Model Rules which are written to reflect provisions in the Act, there are many paragraphs which start with “*the management committee*”.

There are few about the powers of members.

This quote from the Model Rules is one of the few places that defines where the power of an incorporated association lies correctly.

“22

Functions of management committee

*(1) Subject to these rules **or a resolution of the members of the association carried at a general meeting**, the management committee has the general control and management of the administration of the affairs, property and funds of the association.”*

There is a further clue about the role of the management committee in relation to the association in the Act in part 16 “Miscellaneous”

“123 Officers deemed servants

Every person elected or appointed to be the treasurer, secretary, member of the management committee or other officer having the receipt or charge of money of an incorporated association, or who acts in the capacity of or is employed as such treasurer, secretary, member of the management committee or officer, shall be deemed to be a clerk or servant of such incorporated association within the meaning of the Criminal Code.”

While this relates to a specific set of circumstances (money management), and the wording speaks to the relationship between the committee and association, the constitution of the association is a contract between the association and the members.

While the management committee is responsible for properly running an incorporated association, and have defined responsibilities, they do not have total control of the association, they have, under the present Act, “General Control”.

With that general control there is a list of mandated responsibilities to ensure that the actions of the committee are in accordance with the association’s rules and the Act.

Ultimate control resides with the members.

When being taught how to chair meetings, and much about meeting procedure, it was put to me “that it would be unwise for a chairman to risk being overturned on a matter, by his members.”

That directly applies to the whole management committee. Today, far too many groups operate as if the management committee has total control. This is a reason members do not attend any meetings.

I believe that the Act needs changes to reflect where the ultimate control of associations lies.

This can only enhance the management of, and prospects for growing the numbers of volunteers.

I have attached a file which encapsulates the changes made to the rules of an association, and the reasons they were made.

These changes were considered very carefully by members; however, the consensus was that they made common sense.

Minor changes were made in the general meeting which considered the amendments proposed.

The changes ensure that the total control of the association by its members are clearly defined, at every point, and that a minimum of three general meetings pa are held.

I moved the initial motion to set that association up as an incorporated association and was Chair for the first five years,

The membership was generally above 200, and monthly general meetings were attended, on average by at least 25, up to 75 people over that period.

An association is the sum of its members efforts, but I do think that the management of meetings and complete respect for members, always reporting fully, and taking major decisions to general meetings, empowered the members, & so encouraged participation and growth.

In my district there is a large not for profit which purports to advise other associations how to run their association. NFP House – Gladstone; a Company Ltd.

It is instructive that NFP House' CEO recently made a presentation to Gladstone Regional Council seeking even more funding. The request was refused, with sound reasoning.

This organisation has considerable funding from several sources, including Gladstone Area Water Board which provides best in class office facilities.

[A Director from NFP House recently advised me that *"NFP House only ever educate community organisations management committees in how to apply their Constitution."*

I agree, however, that advice leaves out the very parts of the constitution and a method of operating that will benefit the association best.

I would enjoy the opportunity to work with them and have recently put the following to that director: *"as a director of NFP House, I think it would be incumbent on you to review the actions and methodology of your organisation".]*

This organisation derives its main “help” from the impression in the Act that the committee has total control.

It advises organisations to not hold general meetings, to operate as a management committee. It says this is a more effective way to run.

After this initial advice, it is sure to offer further advice about how it could work with the association and **how funding can be found to pay for that work.**

This is probably the most destructive advice that can be given to an association. Many small associations have operated across Qld for generations, and have always met as an entire group, all members. In fact, after many incorporated, they found the idea of a management committee as opposed an executive quite strange.

The best way to ensure confidence of members in their association is to ensure the executive have the knowledge and training to be able to effect good meeting procedures.

This can be encapsulated in the concept that decisions are made at meetings following good respectful procedures. A culture then builds that respects decisions made. Arguments are resolved by following good procedures and decisions implemented.

Solid meeting procedure needs to be taught and encapsulated in the model rules.

There needs to be an awareness of how to make Standing Orders if required.

I think there is one other thing that must be in the model rules. It ensures better procedures and management.

Any management committee must understand that a motion passed at a general meeting is binding on them & that the only way a management committee can rescind a motion is at a general meeting.

There needs to be a provision in the Model Rules that, to rescind a motion passed at a general meeting, that a Notice of Motion must be sent to all members within the usual requirements for such notices.

This ensures that the original members who confirmed the motion as a resolution of the association have the opportunity to be involved in any change to the resolution.

Some associations, who have added this to their association rules also stipulate a minimum timeframe which must pass before any resolution can be rescinded.

It is very difficult when associations are constantly having to change their minds, sometimes when the committee disagrees with its members, and sometimes by people who wish to continue arguing against decisions they voted against.

Enhancing meeting procedures will help volunteers have confidence in their associations which leads to more volunteers.

Recent changes to the Act codified that committee members and officers have similar fiduciary duties to those of company directors contained in the Commonwealth Corporations Act.

While these duties give more certainty to management committee members and officers as to their duties and reduce the likelihood of any intentional or inadvertent breaches of their obligations, the effect has been to see many people very wary of undertaking management responsibilities.

Lack of understanding leads to fear. There are now quite severe penalties imposed for not meeting those duties.

I attended a meeting fairly recently where the Chair had sought (free) legal advice about actions within the association and management committee.

The response surprised the Chair, as the Chair just did not understand her duties.

The advice was that the Chair's recent actions would lead to a \$1500 dollar fine for the Chair and all committee members.

The sad part was, that if the solicitor had looked a little further the fines may have totalled up to \$8000 for committee members and much more for the Chair, as conflicts of interest had not been declared by the Chair.

The reaction of members was instructive, from "who do these people (politicians) think they are imposing this type of rubbish" and "anybody in this room who reports this does not belong in this association" to general bewilderment.

If the penalties prescribed under the Act were imposed, it could quite possibly have been the end of a very good association. It would have been impossible to get anybody to take positions.

Most people in volunteer associations are not and may not have the knowledge to be company directors. It is an unjust imposition to codify fiduciary duties and legislate penalties, without mandatory training to ensure understanding of these duties.

The real question needs to be “has that Chair and executive learnt anything?”

I think, that answering that question by providing education and notices of future fines and consequences if there were future delinquencies may be some solution.

I have direct experience where, in another association, the management committee refused to hand over minutes on request and similar things over several months.

After a following AGM, a new treasurer in place found that, the previous treasurer, now Chair, had paid personal accounts with association funds, and was found to have redirected at least one cheque meant to go to an external charity, to a member of the association who had funds (thousands) held in association accounts. There was no record of the source of the funds in the books or receipts issued.

The new treasurer was then denied access to the past records of the association.

NFP House became involved, engaged by that Chair. NFP House advised that the MC run the association. No general meeting apart from the AGM was held again, or any minutes sent to members (despite public request at the next AGM) over years.

The management committee failed to send membership and meeting notices to many members before the next AGM, and refused to allow any business other than election of office bearers, with no nominations from the floor, as had been the associations practice for years, at that AGM.

People just walked away.

That organisation had run and done huge things for over a decade, with very well attended monthly general meetings.

I understand that it now has very few members, has had income in the range of \$100000 pa for some years, with, to the best of my knowledge, not a penny returned to the local community.

Fair Trading was contacted after advice from the association solicitor. Fair Trading said the matter must be sent to the police.

Quite simply, the police said, “Small beer” and would do nothing.

The only remedy members had was to go to the Supreme Court. That is a very expensive process. Who is going to pull that on?

There needs to be a solution to this kind of thing before having to go to the Supreme Court.

I am a member of another local association and chaired the election of Office Bearers and management committee at their AGM a few years ago.

I can attest that seven people were correctly elected,

The Chair and secretary later, on the advice of NFP House, Gladstone, mentioned previously, following their advice, declared that they were going to run the association as a committee. They declared that only the chair, vice chair, secretary and treasurer would be on the new committee.

The trouble was, for them, the treasurer would have nothing to do with them.

A long story short, the Chair and especially the secretary, had designs on the associations assets to build their own business.

The secretary managed to steal thousands of dollars by taking forged (full proof available and presented to police), minutes to the bank, withdrawing the funds and depositing them elsewhere.

The key here is, that the treasurer holds the original, signed by the chair and secretary, five-page minutes concerned, and we have the forged version, two-pages, also signed by that chair and secretary & presented to the bank, as provided by the bank.

There are many more details to the whole thing, but again, the response by the Police has been disgraceful. A report has gone to the CCC who sent it to the Police, who promised a little and still, over a year later have done nothing.

After an arduous process, the members now have control of their association again, and all bar about \$5000 of association funds.

We have no way forward now to seek some kind of resolution to this fraud. Taking the matter to court on our own would very expensive.

The confidence of people to volunteer after this type of situation is destroyed. If government can legislate some simpler solution to this type of thing, it can only help make volunteering a better experience.

Thank you for the opportunity to contribute.

Mark McLachlan