



**RURAL FIRE BRIGADES ASSOCIATION
QUEENSLAND INC.** ABN. 37 417 474 709

Wednesday, 13th March 2024

Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
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Brisbane Qld 4000

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The Rural Fire Brigades Association Queensland submission on the Disaster Management and Other Legislation Amendment Bill 2024.

The Rural Fire Brigades Association Queensland (RFBAQ) is the acknowledged representative body for the 1,394 Rural Fire Brigades in Queensland who comprise 26,590 volunteers protecting 93% of the State.

The RFBAQ is a non-political, self-funded and democratically elected association that reflects the views of volunteer fire brigades in Queensland.

It is understood that submissions to the committee are unable to be published or reproduced in other forums. The Association wishes to point out that many of the submissions and recommendations are policies of the Association and we retain the right to not only promote but publicise these policies.

The *Fire Service Act 1990* was not fit for purpose since its introduction 34 years ago as it was an amalgamation of an even older Metropolitan Fires Act with sections of the Bushfires Act squished in. By putting a new date on it was dressing mutton as lamb.

On 29 August 2014, that's 10 years ago, the RFBAQ wrote to the Commissioner of the Fire and Rescue Service pointing out the failings of the Act in supporting Rural Fire Brigade members and the way the Act restricted communities in defending themselves to a level that met their needs.

The RFBAQ held multiple meetings with the Fire Service in Kedron in 2016 and 2017 seeking empowerment for brigades through legislation ahead of a full legislative rewrite of the Act.

On 11th January 2019 the RFBAQ wrote a submission to the QFES Legislative Review (attached) seeking empowering amendments, again ahead of a full legislative rewrite.

On 18th August 2021 the RFBAQ wrote a submission to the KPMG Review into the QFES (attached). The RFBAQ again highlighted the multiple failings of the out of date, disempowering



and inconsistent with itself legislation that empowers a small group of senior Fire & Rescue officers who benefit at the expense of community defence.

The KPMG Review found that 86% of corporate services went to Fire & Rescue, and only 6% went to the Rural Fire Service. KPMG also identified that this happened as corporate staff identified with the Fire & Rescue Service and that this was a cultural challenge that needed addressing.

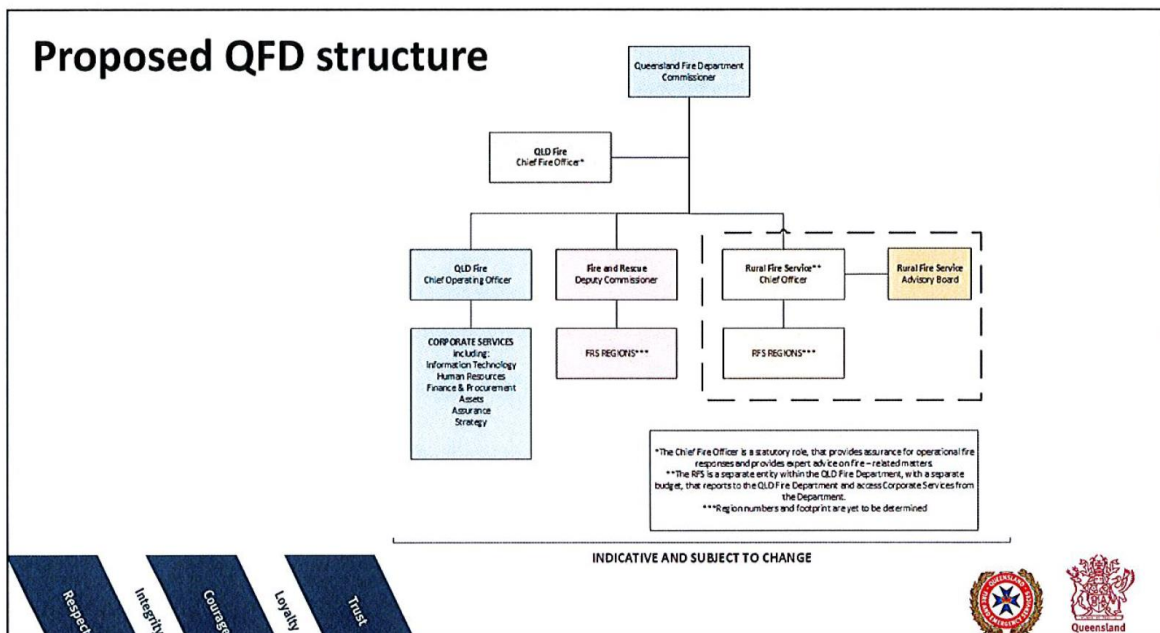
This bad draft legislation is the opposite of what KPMG was trying to achieve in the recommendation that it made.

This current rewrite of a much-rewritten Act, if passed by Parliament will actively disempower the majority of firefighters in Queensland and ensure that their voice is never heeded nor heard.

This bad draft legislation in Section 130 specifically states regarding the RFS advisory committee:

“(5) To remove any doubt, it is declared that the RFS advisory committee is not a decision-making body.”

It is a long way from the empowering Rural Fires Board that was promised by the QFES in the structure projected across Queensland in February and March 2023 (below, full document attached); only 1 year ago.



The creation of definitions for incident control expertise and rural incident control expertise in this bad draft legislation will create confusion and fracture the command and control process at the inception of an incident.

These are new definitions written into the rewrite of this bad draft legislation that will ensure that multiple 000 callers with slightly different information will have an incident reclassified multiple times.



The phrase “incident control expertise” which is also new will now see nationally accredited incident controllers not recognised in Queensland. As an example, during Tropical Cyclone Kirrily that crossed the Queensland coast at Townsville in late January 2024, the level 3 incident controller on duty was a volunteer firefighter.

This bad draft legislation is in conflict with the established AIIMS principles for incident management in Australia and New Zealand.

AIIMS qualifications for incident control are regardless of incident type or the service that you belong to.

This bad draft legislation is also in conflict with the QFES membership in AFAC.

A Queensland level 3 incident controller will now have more rights in every other state or territories in Australian and New Zealand than in Queensland, where their ability to help communities will only exist at the whim of the Fire & Rescue Commissioner.

This bad draft legislation reaches well outside of Fire & Rescue and the Rural Fire Service as it creates the definition of Professional Firefighting Experience which can only be gained by training provided by Fire & Rescue Queensland to employees of Fire & Rescue Queensland.

The Australian Council of Professions defines a ‘Profession’ as:

A Profession is a disciplined group of individuals who adhere to ethical standards and who hold themselves out as, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills in the interest of others.

It is inherent in the definition of a Profession that a code of ethics governs the activities of each Profession. Such codes require behaviour and practice beyond the personal moral obligations of an individual. They define and demand high standards of behaviour in respect to the services provided to the public and in dealing with professional colleagues. Often these codes are enforced by the Profession and are acknowledged and accepted by the community.

Australian Council of Professions, 2003

<https://professions.org.au/what-is-a-professional/>

Being a member of a Profession, e.g. a ‘Professional’, is generally seen as an indicator of integrity, ethics, trust and expertise.

This new definition in the bad draft legislation completely alienates aviation firefighters, mine rescue firefighters, defence firefighters and volunteer firefighters.

Should the Fire & Rescue Service Queensland (F&RQ) wish to define the role of a career or casual firefighter who fights fires for remuneration, the dictionary has a more appropriate word - employee.



This bad draft legislation also says that all executive positions with true legislated power must be only drawn from this small clique of Fire & Rescue senior officers, even though they represent the smallest section of the former QFES.

The above are a representation of how this 34-year-old legislation has again been tampered with instead of being completely rewritten.

In 1990 when Rural Fire Brigades were shanghaied into coming under the control of the Fire and Rescue Service, the then Minister Mr Mackenroth told Parliament:

“One of the arguments already raised concerns the myth that these actions will create some kind of huge, all-powerful centralised bureaucracy which will leave any area outside Brisbane without a voice and impotent in the area of fire services. In fact, quite the opposite is true. With the establishment of these regions, there will actually be fewer people working out of the Brisbane headquarters. There will be no concentration of power in the city. The whole strategy is based around the autonomy of the new regions, which will operate in much the same way as the police regions do now.”

(Hansard, 20th March 1990)

With the dissolution of QFES, the SES received new and empowering legislation that also had a period for submissions to the Parliamentary Committee that far exceeds that allocated by the Government for the fire services. A sure sign that the Government knew that this bad draft legislation would not be popular.

The RFBAQ requests that this Committee recommend that all amendments to the current *Fire Service Act 1990* be dismissed ahead of a full legislative rewrite following the 2024 Queensland state election, and the Parliamentary Committee acknowledge and support the AgForce call of the 13th February 2024 for a State Parliamentary Inquiry into the 2023/24 fire season and an investigation into the mistakes that were made.

That Parliamentary inquiry will find that bushfires were exacerbated by the very people this bad draft legislation is seeking to empower.

Regards,



Justin Choveaux
General Manager
Rural Fire Brigades Association Queensland

