

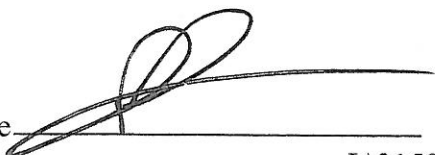
INDEPENDENT COMMISSION AGAINST CORRUPTION**STATEMENT IN THE MATTER OF: Operation Vika****PLACE:****NAME:** Robin Rogers AFSM**ADDRESS:** 15 Carter Street, Lidcombe New South Wales**OCCUPATION:** Executive Director Operations (Deputy Commissioner) of
NSW Rural Fire Service**TELEPHONE NO:** Known to the Commission**DATE:** 8 June 2015**States: -**

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1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
 2. I am 51 years of age.

Introduction

3. I am the Executive Director Operations with a rank of Deputy Commissioner with the NSW Rural Fire Service (RFS) and have held that position since November 2014. My position was previously titled Director Operational Services. I have held the rank of Deputy Commissioner since 2011.

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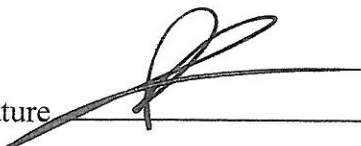
4. I report to Shane Fitzsimmons, Commissioner of the RFS (**Commissioner**).¹

Qualifications and Experience

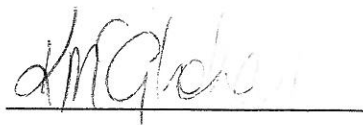
5. I am a fire fighter with 35 years' experience in bush fire and emergency management.
6. At 15 years of age, I became a volunteer fire fighter with Belrose Rural Fire Brigade in Sydney's northern suburbs. Over the following years I filled most volunteer positions within RFS brigade structure, including Brigade Captain.
7. Prior to my appointment to my current position, I had undertaken a range of staff roles which has developed my experience in emergency response and planning in bush fires, including the following appointments:
- (a) in 1995 I was appointed as Deputy Fire Control Officer (Inspector) in the NSW mid north coast area at Taree;
 - (b) in 1998 I was appointed the Fire Control Officer (Superintendent) in the NSW Hunter Valley area at Cessnock. In this role I was, on a number of occasions, appointed by the Commissioner as his delegate pursuant to sections 44 and 45 of the *Rural Fires Act 1997* (**Rural Fires Act**). These events involved significant fires impacting on urban areas and in doing so I co-ordinated all firefighting resources within the area of appointment; and
 - (c) in 2002, I was appointed the Assistant Commissioner responsible for Community Safety and subsequently, Community Safety and Operations, then, following a further restructure, I assumed responsibility for district and regional staff in a new Directorate called Operational Services (now Operations).

¹ Throughout this statement, I refer to the Commissioner as "he" because both the current and former Commissioner were males.

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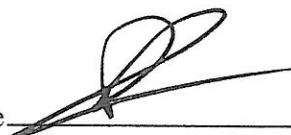
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8. I was awarded the Australian Fire Service Medal in 2003. I have also received the National Medal and the RFS Long Service Medal for 25 years' active service. In 2013 I received the Commissioner's Commendation for Service.
9. I have a Graduate Certificate in Management and Leadership from the University of Western Sydney.
10. I have, on many occasions acted as the Incident Controller (IC) at bush fires and other emergencies including Class 3/section 44 fires.
11. My primary responsibilities as the Executive Director Operations (EDO) include managing and leading the operational arm of the RFS to ensure that staff and volunteers are adequately equipped and resourced to respond to fires and other emergencies.
12. My role also requires me:
 - (a) to implement processes that ensure the Commissioner and the Minister are kept informed of all relevant fire management issues in a timely manner;
 - (b) to assist the Commissioner to manage the coordinated fire fighting system in NSW by ensuring that appropriate systems and procedures are in place dealing with suppression, prevention and community education;
 - (c) to manage the development, revision and implementation of multi-agency operational , risk management and community protection plans, along with the provision of neighbourhood safer places. ;
 - (d) to ensure that the NSW RFS maintains a state of operational readiness across NSW appropriate to conditions that prevail or are likely to prevail;

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- (e) to ensure that the State Operations Centre operates effectively in discharging the RFS' legislative responsibilities with regards to coordinated fire fighting;
- (f) to ensure that adequate systems are in place to review and determine appropriateness of development in bush fire prone areas, including issuing bush fire safety authorities and development application approvals or rejection;
- (g) to oversee the RFS's hazard complaint system across public and private lands as well as legislative enforcement provisions through penalty notices, or other legal action.
- (h) to lead the continued development and application of robust fire investigation; and
- (i) to ensure that fire management and prevention activities are carried out in a manner that minimises adverse environmental consequences.

NSW Rural Fire Service

13. The RFS provides rural fire services to approximately 95% of the area of NSW. While the RFS principally provides rural fire services dealing with bush fires, it also has considerable capacity and responsibilities for structural fire fighting, including provision of primary fire services to approximately 1,200 town and village areas in NSW. It also supports and assists other emergency services agencies in New South Wales, other Australian states and territories and, on occasion, overseas in a range of activities.
14. The RFS has:
- (a) more than 74,000 volunteer members;
 - (b) some 887 staff (by headcount) of whom 266 work in Headquarters; and

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- (c) 2,032 brigades.
15. The RFS operates a fleet of 7,805 fire fighting appliances supported by 3,342 specialist vehicles including communications units, catering, logistical and aviation support vehicles, as well as group officer and mitigation crew vehicles.
16. The RFS has an extensive aerial fire fighting as well as remote sensing and reconnaissance capacity, principally through contracted aircraft. The RFS owns three helicopters that perform fire fighter insertion and specialist intelligence roles.
17. The RFS' operations are funded through the Rural Fire Fighting Fund which is set each year by the Treasury and comprises contributions from the State Government, local government areas and insurance companies in the proportions of 14.6%, 11.7% and 73.7% respectively.
18. In 2009/10 the budget for the RFS was set at \$332.9 million.

Suppression of Class 1 and Class 2 Fires

19. Bush fires are classified by the scale of suppression effort required as follows:
- (a) Class 1: a fire being suppressed by the relevant fire authority, whether or not incidental/low level assistance is provided by other agencies;
 - (b) Class 2: a fire the suppression of which, by necessity, involves more than one agency: and
 - (c) Class 3: a major bush fire or fires where a declaration has been made or is imminent under the provisions of Section 44 of the Rural Fires Act, 1997
20. All fires, when they are first identified, are classified as a Class 1 fire. Should they develop, and become more serious, their classification may be changed.
21. A Class 1 or Class 2 fire may involve significant fire fighting operations and support from the RFS, although it is not declared as a section 44 event, particularly

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if it is in a remote area and is being contained by local resources. In such cases the Incident Controller may request the provision of additional or specialist resources through the State Operations Centre to which I refer to in paragraphs 27 - 37 below. This may include aerial support, heavy machinery or consumables such as fire fighting foam, retardants, drinking water and food. When this occurs, the section 44 emergency procurement system may be used to respond to the request. However, any costs incurred are charged against the standing provision in the RFS budget for the suppression of Class 1 and Class 2 fires.

Section 44 of the Rural Fires Act

22. Section 44 of the Rural Fires Act requires the Commissioner to take charge of all bush fire fighting operations and bush fire prevention measures anywhere in NSW if, in his opinion, certain conditions set out in sub-section 44(1) are met. When he takes charge, the incident becomes a Class 3 fire.
23. The procedure by which a section 44 declaration is made and the events that follow were set out in the RFS' response to ICAC Notice E14/0418/25/001 dated 23 April 2015. Annexed to this statement and marked RR1 are the parts of that response dealing with this issue.
24. If a fire extends beyond the initial boundaries of the area over which the Commissioner took charge under section 44, the area will be extended from time to time. The Commissioner's appointee is responsible for a specified area, rather than simply the bounds of the fire at any point time. Any new fires starting within the subject area will be the responsibility of that person. Thus, a fire that is declared as a single section 44 event may involve a very significant level of operations and support over an extended period of time and a broad geographical area. For example a section 44 declaration was made on 20 October 2013 (no. S44-13/14 038) under which I was appointed IC for the entirety of the Hawkesbury, Lithgow and Blue Mountains local government areas.
25. The degree of resources dedicated to a section 44 event varies depending on the size of the fire and its proximity to urban areas. Section 44 events may last for a

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few days but they may extend for up to 12 weeks. Many section 44 events of short duration have a large amount of resources dedicated to them. An example of this was the Blue Mountains fire emergency in October 2013. This ultimately involved three major fires that continued over more than 35 days. Over the same period, a total of 1,160 bush fires occurred across NSW. During the period in excess of 1,400 fire fighters from other States and Territories were deployed to NSW and the RFS operated nine base camps to accommodate fire fighters.

26. It does not follow that, simply because fewer section 44 declarations are made in a particular fire season, that the overall level of RFS operations is significantly reduced. In each year since 2009, more than 4,000 fires have been attended by the RFS each year and, in some years, double that amount. In fire season 2014/2015 there were fewer major fires but a significant number of storm and flood incidents in which the RFS supported, both in terms of fire fighters and logistical support, the NSW State Emergency Service.

Role of State Operations Centre

27. The State Operations Centre is located at RFS Headquarters. This facility serves as the NSW state level operations, support and intelligence centre for bush fires and for the RFS' role in other emergency operations. The State Operations Centre
28. The State Operations Centre has a number of functions including:
- (a) monitoring, fire conditions, operational readiness and related matters;
 - (b) coordinating and supporting fire fighting and other emergency operations in the field including prioritising request additional resources and assistance;
 - (c) issuing warnings and other information to the public in relation to fires in NSW; and

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- (d) providing specialist and logistics support to field operations. This includes aviation support, base camps, logistics support and GIS expertise.
29. The State Operations Centre supports all RFS operations - including fire fighting operations that do not involve section 44 declarations - and non-fire emergency operations. The State Operations Centre can operate 24 hours a day, 7 days a week with staffing levels to suit fire conditions.
30. There are a range of triggers that cause escalation to a full alert status. When this occurs F&RNSW physically relocate its Bush Fire Incident Coordination Centre to the State Operations Centre and liaison staff from NPWS and Forestry Corporation, as well as support agencies including the NSW Police, NSW State Emergency Service, the Bureau of Meteorology, Australian Defence Force and other government departments and agencies are present in the State Operations Centre.

State Logistics Officers

31. When the State Operation Centre is fully activated a number of staff move from their normal roles into an operational role within the State Operation Centre. This includes the Logistics Team which operates from a desk on the outer ring left hand side as one faces the front of the Centre (the knowledge board). Prior to the matters now before the ICAC coming to light, members of the Procurement Team, including Messrs Hacking and Springett, worked on the Logistics Desk as State Logistics officers.
32. A significant bush fire or other emergency operation can quickly outstrip local resources. Similarly, a 'campaign' fire, that is a fire that requires ongoing operations over an extended period, will inevitably consume resources, services and supplies much more rapidly than normal. One of the roles of the State Logistics Team is to ensure that Incident Controllers are provided with all of the resources and services they require to respond to the fire or other emergency in a safe and effective manner.

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33. The State Logistics Officer receives requests for goods and services that are required to support on-going operations. These requests would normally come from the IC of the incident or somebody acting on that person's behalf. The request is routed to the Regional MIC desk and thence to the Logistics Team. Requests may also come from the State Duty Operations Officer or State Operations Controller, particularly in relation to non-fire emergency operations or the RFS' response to fires outside NSW.
34. The Logistics Team then makes the necessary arrangements to deliver the resources or supply the services requested. This includes procuring what is required from either existing RFS resources or externally, and then delivering that to the place where it is required.
35. Requests for goods or other resources are received from incident ICs by way of a faxed or emailed logistics request form that is sent to the Logistics Team working in the State Operations Centre. On some occasions a very urgent request may be received by telephone or personally from another person working in the State Operations Centre.
36. The request is then actioned by the Logistics Team who will source the required goods or services and arrange their delivery to the place where they are required.
37. It is not possible for senior RFS officers in the State Operations Centre to oversee the logistics process as requests are received as they are fully occupied in strategic planning, coordinating field operations, issuing warnings and supporting incident controllers by responding to and resolving operational issues. When managing an emergency event, it is critical to ensure that any controls on procurement do not interfere in any way with the operational expediencies of the service. If an overly risk-averse approach were to be adopted it risks a timely and effective response to fires and other emergencies.

RFS Responses to ICAC

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38. On 23 April 2015 the RFS provided a response to the ICAC Notice E14/0418/25/001 which, amongst other things, dealt with business as usual and emergency (section 44) procurement and accounting. On 14 May 2015, the RFS provided a further response in answer to questions subsequently raised by the ICAC in an email from one of its investigators on 27 April 2015.
39. The substantive input in relation to the various components of these documents was provided by:
- (a) Assistant Commissioner Bruce McDonald (in relation to procurement);
 - (b) Assistant Commissioner Steve Yorke (in relation to RFS operations, in particular in relation to section 44); and
 - (c) CFO, Stephen O'Malley (in relation to financial accounting).

I oversaw the production of these responses, together with the Commissioner.

40. On 18 May 2015, Assistant Commissioner McDonald, Mr O'Malley and Assistant Commissioner Stuart Midgley (standing in for Assistant Commissioner Yorke who was overseas) met with the officers of the ICAC's Corruption Prevention Division to discuss these documents.
41. During the course of this ICAC public inquiry, I am informed that the Corruption Prevention Division posed a series of questions to Assistant Commissioner McDonald and Mr O'Malley (separately) which they were advised were best answered collectively (as in the manner of the previous responses).
42. To this end, I am aware that the RFS provided a response (prepared by Mr O'Malley in relation to the financial accounting questions) on Friday 5 June and a further response (prepared by Assistant Commissioner McDonald in relation to the procurement questions) on Tuesday 9 June 2015.

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43. I was not involved in the preparation of these documents, but I am advised that they were substantially based on the RFS responses provided in April and May 2015.
44. Since becoming aware of the matters being investigated in Operation Vika I have directed that the Logistics Team comprise a person from each of the Procurement Team, the State Warehouse at Glendenning and a State Logistics Officer with that role to be filled by a member of staff from an area **other than** the Procurement Team.

RFS Response To Major Fires and Other Emergencies

45. Annexed to this statement and marked RR2 is a schedule setting out information in relation to the total number of fires, section 44 declarations and other matters for the period from 1 July 2009 to 30 April 2015.
46. Annexed to this statement and marked RR3 is a summary of recent emergency operations (both fire and non-fire) which have been supported by the RFS.

Provision of Drinking Water and Snack Packs to RFS Members and Other Emergency Services Personnel

47. The RFS goes to a great deal of effort to provide drinking water and sustenance to RFS members and the personnel from other supporting agencies. This will include personnel from F&RNSW, NPWS, Forestry Corporation, interstate fire fighting agencies, air and aircraft ground crews, NSW SES, Police, Ambulance, local authorities and other government agencies.
48. The provision of sustenance and drinking water to these personnel is critical to both their operational effectiveness and their health and safety. They are often working 12 hour shifts over a number of consecutive days in very hot and dry conditions. Fire fighters are undertaking arduous work in a very difficult environment wearing heavy personnel protective equipment (PPE).

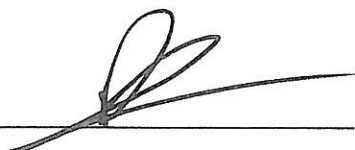
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55. Drinking water and snack packs are delivered to fire fighters and other emergency services personnel at a fire or other incident in a variety of ways. During major fires stocks will be placed at fire control centres, air bases, base camps and staging areas (which include sites where a mobile canteen may be situated) for crews and other emergency services personnel to resupply as they pass through the site. Drinking water and snack packs are also distributed to fire fighters and other emergency services personnel from support vehicles in order to ensure that adequate quantities are provided to personnel who may be spread across a significant area and who do not have an opportunity to return to a location where they can be resupplied.
56. As a matter of policy the RFS does not restrict access to bottled water or snack packs by personnel at fires and other incidents. To unnecessarily restrict the supply of water and food could cause a health risk to RFS volunteers. This would be contrary to the *Work Health and Safety Act 2011 (NSW)*. Personnel are encouraged to take sufficient quantities of drinking water and food to ensure they are adequately hydrated and fed during the operation. If water and food are not consumed during a shift and some remain on vehicles at the end of a major fire or other operation the material is retained on the vehicle or at the brigade station for use during local fires, other incidents or hazard reductions where external logistic support is not provided.
57. It is unrealistic to adopt a process that accounts in detail for the receipt of all consumables at a fire or other emergency.

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ANNEXURE RR1

Making of a section 44 declaration

1. Introduction

- 1.1 A co-operative approach, described as 'Co-ordinated Fire Fighting', has been adopted in New South Wales for the suppression of bush fires. This ensures that each of the NSW agencies that constitute a fire fighting authority, as that expression is used in the *Rural Fires Act 1997* (NSW) (**RF Act**), are properly coordinated and managed.

2. Bush fire fighting in NSW

- 2.1 All land in New South Wales falls within a rural fire district¹ or a fire district.² The NSW Rural Fire Service (**RFS**) is responsible for the prevention, mitigation and suppression of fires within rural fire districts,³ while Fire & Rescue New South Wales (**FRNSW**) is responsible for the prevention, mitigation and suppression of fires in fire districts.⁴ In broad terms, the developed, urban areas of Sydney, Newcastle and Wollongong, together with the larger towns and cities of New South Wales, fall within a fire district, whilst the balance of New South Wales falls within a rural fire district (excluding an event pursuant to section 44).
- 2.2 The RFS and FRNSW have a statutory responsibility for suppressing fires in rural fire districts and fire districts respectively. However, other agencies, collectively referred to as fire fighting authorities, may also respond to bush fires. The following entities are defined as a "fire fighting authority":⁵
- (a) the RFS;
 - (b) FRNSW;
 - (c) the Department of Environment, Climate Change and Water (which, by virtue of *Administrative Changes Orders*, has been abolished and is now the Department of Planning and Environment (**DPE**)); and
 - (d) the Forestry Corporation (**FC**) constituted under the *Forestry Act 2012* (NSW).
- 2.3 The DPE has a limited capacity to respond to bush fires which occur in or near a national park. Similarly, the FC maintains a much more limited fire fighting capability to respond to fires within land managed by the FC.
- 2.4 Any fire fighting authority may respond to a bush fire in the first instance. The senior officer of the first responding unit will assume the role of IC until relieved or replaced by an officer of the agency with statutory responsibility for fire suppression in that area (either the RFS or FRNSW).
- 2.5 Bush fires in NSW are classified as either Class 1, Class 2 or Class 3 fires. In the *Incident Management Procedures 4.01.01 Classification of Fires* (Annexure 3) (which refers to the Bush Fire Co-Ordination Committee (**BFCC**) Policy 2/2006), these fire classes are defined as follows:

¹ Section 6 of the RF Act.

² Section 5 of the *Fire Brigades Act 1989* (NSW) (**FB Act**).

³ Section 9(1)(a) of the RF Act.

⁴ Section 6(1) of the FB Act.

⁵ Section 4(1) of, and Dictionary to, the RF Act.

- (a) **Class 1:** "A fire under the control of the responsible fire authority, whether or not incidental/low level assistance is provided by other agencies";
 - (b) **Class 2:** "A fire which, by necessity, involves or is expected to involve, more than one agency and where the Bush Fire Management Committee Fire Classification Group has appointed a person to take charge of firefighting operations"; and
 - (c) **Class 3:** "A major bush fire or fires where an appointment has been made or is imminent under the provisions of Section 44 of the Rural Fires Act, 1997."
- 2.6 All fires, when they are first identified, are classified as a Class 1 fire. Should they develop, and become more serious, their classification may be changed.
- 2.7 The first fire fighting agency to respond to a bush fire must create an incident in the Incident Control Online (ICON) system, a web based multi-agency incident management system.
- 2.8 When a bush fire incident is created in ICON it is assigned an 'alert status' depending on its severity and the time that will elapse until the fire impacts on an urban or built environment. The three alert statuses, in ascending level of seriousness, are:
 - (a) "advice";
 - (b) "watch and act"; and
 - (c) "emergency warning".
- 2.9 The alert status is used to notify the public about the severity of a fire, and how it ought to respond to the fire. In section 9(1)(a1) of the RF Act, one of the functions of the RFS is "to issue public warnings about bush fires and bush fire threats in the State for the purpose of protecting life and property."
- 3. **Role of State Operations Centre**
- 3.1 The State Operations Centre is responsible for monitoring all RFS operations in NSW and the coordination of responses to major incidents. In the case of bush fires, a major incident is one where it is necessary to commit resources to the fire from outside the district in which it is burning.
- 3.2 There is, at all times, a State Duty Operations Officer (SDOO) on duty. The SDOO reports to the State Operations Controller (SOC) who, in turn, reports to the Deputy Commissioner.
- 3.3 The SDOO is responsible for monitoring all incidents occurring in NSW, including their alert status.
- 4. **Section 44 of the RF Act**
- 4.1 Part 3 of the RF Act is entitled "Co-ordinated bush fire fighting". This Part charges the Commissioner of the RFS (Commissioner) with responsibility for controlling and co-ordinating the action to be taken by persons and bodies involved in or associated with the prevention, mitigation or suppression of bush fires in dealing with fires requiring a response beyond the capability of the fire fighting authorities in that location.
- 4.2 Specifically, sub-section 44(1) provides that:

"The Commissioner is to take charge of bush fire fighting operations and bush fire prevention measures and to take such measures as the Commissioner considers necessary to control or suppress any bush fire in any part of the State if, in the opinion of the Commissioner:

 - (a) *a bush fire has assumed or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning; or*

- (b) *the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions; or*
 - (c) *a bush fire is not being effectively controlled or suppressed by the bush fire fighting authority or authorities in whose area or locality it is burning; or*
 - (d) *a bush fire is burning in a place that is not the responsibility of any fire fighting authority."*
- 4.3 The decision of the Commissioner to 'take charge' pursuant to section 44 is referred to as a **'section 44 declaration'**.
- 4.4 It is important to note that the functions conferred on the Commissioner in section 44 apply to all areas of NSW, i.e. within both rural fire districts and fire districts.
- 4.5 Sub-section 44(2) of the RF Act provides that:

"The Commissioner may delegate the Commissioner's functions under this Division (other than this power of delegation) to an officer or member of a rural fire brigade, an officer or member of Fire and Rescue NSW, a member of staff or the Department of Industry and Investment, a member of staff of the Department of Environment, Climate Change and Water or any other person."
- 4.6 In most instances when the Commissioner makes a section 44 declaration, there will be multiple bush fires burning in different parts of NSW, together with a very high risk of further major fires starting. In those circumstances, the Commissioner would not take charge personally of the incident as the IC. Accordingly, he will invariably delegate these functions, pursuant to sub-section 44(2) of the RF Act, to what is referred to as a 'section 44 appointee' who takes on the role of IC for the fire or complex of fires in the area in relation to which he or she has been appointed.
- 4.7 As the management of a major bush fire is a twenty-four hour operation, the Commissioner will also appoint one or more deputy ICs to assist the IC under the section 44 declaration. In most cases the IC will be a member of the staff of the RFS while the deputies may come from any of the fire fighting authorities.
- 4.8 The Commissioner, or his appointee, assumes responsibility for the deployment of all agencies and personnel committed to a section 44 event when a section 44 declaration is made.
- 5. **Procedure for making a section 44 declaration**
- 5.1 In practice the Commissioner will 'take charge' pursuant to the provisions of section 44 in circumstances where:
 - (a) a bush fire is classified as, or is likely to become, a Class 3 fire;
 - (b) a number of Class 1 and/or Class 2 fires are burning in a particular area of NSW; or
 - (c) the predicted meteorological and fire conditions are such that, that in the event that a bush fire were to start, it would become a Class 3 fire (a **pre-emptive section 44 declaration**).
- 5.2 All fires are monitored by the State Operations Centre staff, including the SDOO. Particular attention is given to fires with an alert status of "watch and act" or above. As a fire grows in intensity or the potential for serious damage increases, the SDOO will discuss these developments with the IC and the SOC. In the case of a significant fire they will involve the Deputy Commissioner in the discussion.
- 5.3 The RFS District Manager will consult with the Fire Classification Group of the Bushfire Management Committee for the relevant rural fire district or fire district⁶ (constituted under

⁶ The Fire Classification Group is made up of representatives of the various fire fighting agencies in the relevant rural fire district or fire district.

Division 3 of Part 3 of the RF Act) to decide whether a section 44 declaration ought to be made and the suitability of the proposed IC and Deputy IC(s).

- 5.4 If the District Manager decides that a declaration under section 44 ought to be recommended to the Commissioner, it will submit a memorandum recommending the making of a section 44 declaration and the identity of the people who are proposed as IC and Deputy ICs, a template of which is Annexure 4.
- 5.5 If the SDOO is of the opinion that a fire may become sufficiently serious as to warrant a section 44 declaration, he or she will contact the SOC. A discussion will then take place between the IC, the SOC and the Deputy Commissioner as to whether a section 44 declaration ought to be made. In the interim, the SOC will ask the local RFS manager whom he or she proposes to have appointed as IC and Deputy IC(s) under the section 44 declaration.
- 5.6 The Commissioner will then decide whether to make a declaration under section 44 and, if so, who should be appointed as IC and Deputy IC(s). Should the Commissioner so decide, he will execute the following documents:
- (a) a section 44 declaration (Operational Management Procedure 4.12.01), a template of which is Annexure 5; and
 - (b) a letter to the IC, a template of which is Annexure 6, which is transmitted to the IC by facsimile or email.

- 5.7 The *Operational Management Procedure 4.12.02 S44 Declaration Checklist* which is Annexure 7, is followed in making a section 44 declaration.

- 5.8 A section 44 declaration will be made with respect to an entire local government area (LGA) or LGAs in which the fire is burning. The section 44 appointee then assumes responsibility for all fires that are then burning, or which subsequently start, in that LGA.

6. Procedure for a making a pre-emptive section 44 declaration

- 6.1 As noted in paragraph 5.1(c) above, the prevailing meteorological conditions on a given day may warrant the making of what is referred to as a 'pre-emptive' section 44 declaration.
- 6.2 The making of a pre-emptive section 44 declaration ensures that the fire fighting authorities in the LGA or LGAs covered by the declaration are at the highest state of readiness to deal with any fires that start.
- 6.3 A pre-emptive section 44 declaration may be made by the Commissioner in response to a request from a Fire Classification Group or following consideration by the SOC and Deputy Commissioner of the forecast weather conditions for the following day or days.
- 6.4 In either case a recommendation of the relevant Fire Classification Group as to the identity of the IC and Deputy ICs will be sought after which the steps described in paragraphs 5.5 and 5.7 will be taken.
- 6.5 Once a section 44 declaration is made, whether pre-emptively or in response to a fire, it is recorded on a register of section 44 events.

7. Other emergency operations or incidents not involving a section 44 declaration

- 7.1 Section 9(1)(b) of the RF Act provides that one of the functions of the RFS is "to assist other emergency services organisations at incidents and at emergencies under the control of those organisations."
- 7.2 Emergency Operations (which are not section 44 declarations) are situations where the RFS is not the lead agency, but rather is requested by other emergency services organisations (either within NSW or elsewhere in Australia) or another State or Territory government to provide either logistical or operational assistance. Examples of are set out in Annexure XX to this statement.

- 7.3 The arrangements referred to in paragraph 7.2 above are governed by the NSW Emergency Management Arrangements (for NSW inter-agency co-operation) and the Australian Emergency Management Arrangements and the Australasian Fire and Emergency Service Authorities Council (**AFAC**) Arrangements for Interstate Assistance (Fire and Emergency Services) (for inter State and Territory co-operation).

Annexure RR2

Support to Canada, August 2014

- The RFS co-ordinated the deployment of 14 fire fighter & specialists from NSW to travel to Canada as part of a National deployment.
- Significant logistical support required included air transport and accommodation for personnel.

Lindt Cafe Siege, December 2014

- The RFS provided assistance to the NSW Police Force during the Lindt Cafe siege which included the establishment of base camp facilities in Hyde Park and the supply of drinking water and snack packs together with other logistical support/advice. This involved personnel from State Operations and State Mitigation Support Services (SMSS).

Red Fire Ants, December 2014

- The RFS was requested to assist the NSW Department of Primary Industries with its response to a Red Imported Fire Ant detection at Port Botany. RFS personnel assisted with site inspections and incident management function over a three (3) week period.
- Over 100 RFS personnel assisted with residential inspections on 20 December 2014.

Support to Victoria, January 2014

- The RFS co-ordinated the deployment of 67 fire fighters (including appliances) from NSW at the request of the Victorian Country Fire Authority (CFA).
- In addition, water bombing aircraft were also deployed.
- Significant logistical support was required including equipment transportation, airfares and accommodation for personnel.

Support to Victoria, January 2015

- The RFS co-ordinated the deployment of 111 fire fighters (including appliances) from NSW at the request of the Victorian Country Fire Authority (CFA).
- In addition, water bombing aircraft were also deployed.
- Significant logistical support was required including equipment transportation, airfares and accommodation for personnel.

Support to South Australia, January 2015

- The RFS co-ordinated the deployment of 479 fire fighters (including appliances) from NSW at the request of the South Australia Country Fire Service (CFS).
- In addition, water bombing aircraft were also deployed.
- Significant logistical support was required including equipment transportation, airfares and accommodation for personnel.

Support to Western Australia, February 2015

- The RFS co-ordinated the deployment of 153 fire fighters from NSW at the request of the Western Australian Fire & Emergency Services Authority (FESA).
- In addition, water bombing aircraft were also deployed.
- Significant logistical support required included equipment transportation, airfares and accommodation for personnel.

Support to Northern Territory, February 2015

- Following Tropical Cyclone Lam, the Northern Territory Government requested the RFS to provide emergency accommodation for 300 residents on Elcho Island whose homes were destroyed.
- The RFS established and continues to maintain as at the date of this statement a substantial 'base camp' on Elcho Island.
- The base camp tents and supporting infrastructure was transported by Australian Defence Force aircraft to Darwin and then via barge to Elcho Island.
- Some eighteen RFS members, supported by Northern Territory Fire & Rescue Service personnel, established the facility which opened on 9 March 2015. This involved personnel from State Operations, State Mitigation Support Services (SMSS) and RFS volunteer members.
- Significant logistical support required included equipment transportation, airfares and accommodation for personnel.
- Two RFS members remain on Elcho Island on a 24/7 basis to support the Facility Manager. These members have been rotated through Darwin and Elcho Island since the camp was established with regular movement of RFS members between the island and Sydney. This support remains ongoing and is expected to cease on 30 June 2015.

Support to NSW State Emergency Service, April 2015

- The RFS provided significant support to the NSW SES, particularly in the Hunter and Central Coast areas as a result of a significant storm & flooding.
- Fifty-five Incident Management Team personnel were deployed and over 7,393 shifts were completed by fire fighters on the ground.
- This included some 1,527 appliances operating within the area of operations.
- Nineteen aircraft tasks were also co-ordinated by the RFS during this operation.
- Significant logistical support included equipment transportation, accommodation and other support.

Annexure R23

STATISTICS	2009/10	2010/11	2011/12	2012/13	2013/14
Total number of Bush/Grass Fires	5,995	4,213	4,154	7,474	8,032
Total number days in Total Fire Ban Declarations	65	5	3	26	42
Total number of Section 44 Emergency Declarations	50	0	3	80	48
Number of days under Section 44 Emergency Declaration	118	0	6	144	103
Total number of Catastrophic Fire Danger Days	6	0	0	2	0
Total Hectares Burnt	366,159	32,081	219,044	1,451,612	574,557
Total Fire Fighters Deployed	N/A	14,951	16,185	21,807	23,062
Total Civilian Lives Lost	0	0	1	0	1
Total Fire Fighter Lives Lost	1	1	0	0	1
Total Dwelling Losses	24	0	0	62	227
Total NSW RFS Personnel Interstate Deployed	QLD, ACT 157	0	SA N/A	SA, VIC 159	VIC, SA 1,096

In addition, there have been 20,174 incidents by the NSW RFS this financial year (as at 30 April 2015) with five (5) Section 44 declarations made as follows: