



25 September 2020

New South Wales Sentencing Council

By email only: sentencingcouncil@justice.nsw.gov.au

The NSW Rural Fire Service Association (RFSA) welcomes the opportunity to make a submission regarding penalties for assaults on emergency workers.

The RFSA is proud to be the representative association of the volunteers and staff of the NSW Rural Fire Service (NSW RFS). We are recognised in the *Rural Fires Act 1997* (NSW) with representation on the Rural Fire Service Advisory Council and Bush Fire Co-ordinating Committee, and are also represented on the Fire Services Joint Standing Committee. With over 46,000 registered members, we are the authoritative voice in representing the volunteers of the NSW RFS.

The RFSA is strongly supportive of amendments to increase penalties for assaults on NSW RFS members in the course of their duties.

We have taken this position because of the need for strong deterrence against assaults on our members. Although incidents of physical assaults against our members may not be as common as they are for some other groups of emergency workers, we are aware of concerns among our membership arising from serious threats, including those involving firearms, that have been directed to members.

Specific deterrence against assaults on NSW RFS members is necessary due to the unique environment in which we work. Our members are more likely than other emergency workers to be operating in remote and isolated locations, with no additional support readily available to assist them. This increases the risk to our members, who are especially vulnerable as a result of the environment in which they work.

While we are concerned for the safety of our members, we are also concerned about the potential increased risk borne by the general community in the event of assaults on our members. If our members in more remote areas are assaulted and unable to carry on with their work, there may not be adequate support nearby to take over and complete the job. It is therefore appropriate to increase penalties for assaults against NSW RFS members in course of their work as a means of offering additional protection to the community generally, who will be able to be better served by the NSW RFS if our members are not taken away from their duties as a result of assaults.

We acknowledge that the work undertaken by members of the NSW RFS may not at first seem to place them at the same risk of assault as that done by, for example, police officers, however there are still several aspects of increased risk. Officers of the NSW RFS have significant powers under the *Rural Fires Act 1997* (NSW), the exercise of which has significant potential to provoke adverse reactions from residents, landowners and others. This includes the power to remove people, vehicles and other things at or near a fire, incident or other emergency,¹ remove fences, structures and vegetation,² and (of particular relevance during periods of drought) take and use water from any source on any land.³ In order to protect the ability of our members to exercise the powers that Parliament has seen fit to grant them, it would be appropriate to provide additional deterrents against assaults on those members.

Consideration should also be given to the likelihood that NSW RFS members will be called on in major events with increasing frequency, which will further exacerbate the risks facing our members. The NSW Bushfire Inquiry recently found that “extreme fires and fire seasons are likely to become more frequent.”⁴ That being the case, the incidence of our members (and the general community) facing challenging circumstances is likely to increase, making their protection yet more important.

Finally, our members should be distinguished from most other emergency workers in that an overwhelming majority of them are volunteers. They give freely of their time, and place themselves in harm’s way, in order to protect the community. There is little the community can do to shield our members from many of the risks inherent in firefighting, but there is no reason not to take steps to help deter assaults against our members that threaten not only their own safety, but that of the general community.

Yours sincerely



Brian McDonough
President

¹ s 22A

² s 25(1)

³ s 26(1)

⁴ *Final Report of the NSW Bushfire Inquiry*, 31 July 2020, p 78.