



NZFS Forum Questions and Answers

UFBA Conference - November 2015

Question - CFO Brian Edwards, Waipawa

Under the new work safe act, employers can be prosecuted and fined. Fire Service can be prosecuted but not fined, as they are a government department. Is this correct? For example, if I lose a finger at work I could receive a dollar value for that loss from the work safe court. If I lose a finger when engaging with the Fire Service would I receive a dollar value given the Fire Service can't be fined?

Answer

Thank you for this question.

The Crown Organisations Criminal Liability Act 2002, brought in following the Cave Creek disaster, allows for the prosecution of Crown organisations, but expressly prohibits the fining of Crown organisations, because that amounts to the Crown fining itself.

This does not mean that the prosecution of a Crown organisation is symbolic.

The organisation can still be prosecuted, and the court can order reparation to the victim or the family. For example, in June 2015 the Waiariki Institute of Technology, which is a Crown organisation as a tertiary education provider, was prosecuted over extensive injuries suffered by a forestry tutor. Although Waiariki Institute of Technology was not able to be fined, the sentencing judge ordered \$40,000 in reparation to be paid to the individual concerned

These same provisions are continued under Section 6 (2)b of the new Health and Safety at Work Act.

In your example, if you lose a finger at work, the injury will be managed by ACC and consideration will be given to support for any permanent impairment, under the ACC legislation, which is based on no-fault principles.

From a Health and Safety at Work Act perspective, the opportunity for any reparation depends on the circumstances involved. If the loss of the finger was found through a WorkSafe investigation to be the fault of the NZ Fire Service, then a prosecution may result. The question of reparation would be one for the courts – the sentencing judge - if the NZFS was prosecuted, in this example.

Question – Takaka VFB

When will the bomber jackets be added to the volunteer uniform matrix as promised in Auckland 2013?

Answer

The bomber jackets are being phased out. There is currently a trial looking at the windbreaker jacket which may be rolled out in the next 18 month period. But before proceeding we need to consider all the implications around the new Fire Services Review and what that will mean.

Question - Tapu Volunteer Fire Brigade

RE: Water Tankers

We live in an area with no reticulated water so rely on a tanker for firefighting water. Recently we were made to re-register our tanker, which we regard as firefighting equipment, as a goods service vehicle. Now we have heard of the possibility that we may be required to remove Fire Service colours and red beacons off this vehicle.

This vehicle is a firefighting tool and should be registered accordingly and should carry the markings and beacons to identify it as such.

If we are parked at an incident where we can't get off the road then this vehicle with no warning lights becomes a hazard to other road users, especially at night.

The Fire Service expect us to respond our tanker to incidents when required to do so, some of these are up to 1.5 hours drive on narrow winding roads. Other road user are not going to recognise this as an emergency services vehicle when we are responding to an incident and will possibly slow our progress and therefore put life and property at greater risk than necessary.

My question to you is: how do we get a water supply to a structure fire etc timely and safely if we have no lights and siren or other insignia to identify our tanker for what it is and what is the fire service doing to ensure that we are able to carry out our duties efficiently and safely when using this firefighting equipment?

Answer

The Operational Readiness and Efficiency Team have a water tanker audit every three years. The audit will start in the new year and the terms and scope of the audit are currently being developed. The purpose of the audit is to check that tankers owned and located on NZFS property, and/or operated by NZFS personnel meet the compliance requirements by the New Zealand Transport Authority and adhere to Fire Service policy, procedure and guidelines for operating water tankers. We want to ensure all personnel who respond in these appliances, are safe.

If there are issues identified with any brigade or station, that tankers don't meet the approved standard, the Fire Service will discuss these with the brigade or station, through their Area and Region management. How the brigade can meet these requirements and what the implications are for the brigade, will be discussed fully. The removal of lights and sirens was a misunderstanding of the conversation.

For more information contact the Operational Efficiency and Readiness Team.

Question

Training centre development - time frame for the South Island training centre - remaining at Woolston or moving to Rolleston - is there the ability to have room for UFBA events at the same facility to assist with minimising costs to competitions and build on volunteer and paid relationships.

Answer

While land has been purchased for a new Training Centre at Rolleston it is likely to be some years before building commences. There is a commitment to a multi-use facility so there may be opportunities for the UFBA to explore but this will not be in the immediate future.

Question

We have concerns that due to some brigades blatantly taking advantage of their canteens and turning them into revenue gathering entities all brigades have been punished by the new rules. We would like the right to have brigade members gatherings on Station where they can either utilise the bar facility or not open the bar and provide their own alcohol. The brigades that have ruined it for all of us should be identified and dealt with on an individual case by case basis. As volunteers we are placed with more and more expectations that takes up more and more of our time but we are having the few privileges severely eroded. If this continues acquisition and retention of members is going to prove to be more and more difficult. Why are paid managers within the fire service making decisions on contentious issues like the bar that directly affects the volunteers without their input? This is an abuse of process.

Answer

Several points deserve mention first:

- The policy was not an initiative of ours, but rather a response to a law change we are obliged to implement.
- The Sale and Supply of Alcohol Act 2012 took effect in December 2013 – 18 months ago – and we need to comply with it.
- The Act makes numerous amendments to the Sale of Liquor Act 1989, but in practice few affect the Fire Service or brigades.
- Those that do relate mainly to how each canteen's operating rules are agreed upon and formalised – their net effect is negligible.
- The Act continues to grant the New Zealand Fire Service an exemption from the requirement to have a liquor licence. We had to work hard to retain this exemption in the new law – and we should remember this fact, and be respectful of the privilege we enjoy.
- We need to remind ourselves why Parliament has granted us that exemption. Canteens exist to encourage camaraderie among members of a brigade or station. They do not exist as a sort of community recreation facility. Nor are they intended to operate in a way that takes away business from commercial premises, such as hotels, restaurants and other venues for social gatherings.

What has changed

Previously, we were guided only by a policy that contained principles for establishing and operating canteens, plus model rules. Now, the law says we must have, in addition to a policy, a code of practice that, *as far as is reasonably possible, follows the rules of a club licence*. The policy sets out the broad requirements; the code of practice contains more detailed operational procedures. The other significant change is that each brigade and station must apply to operate a canteen, and each

application must be approved by the Chief Executive. Also, each individual member must agree to abide by the rules of the canteen.

Question

Will current NZFS brigade funding decrease due to the new amalgamation? (NZFS Rural) If not, how does NZFS propose to manage this without leaving the current NZFS brigades at a loss?

What support or training will NZFS provide to Volunteers/Career staff and rural personnel to cope with change amalgamation of the new fire service?

Answer

We don't know the full details of the transition arrangements including funding and training, which are being worked through in the coming months. A paper will go to Cabinet either later this year or early next, which will include details and recommendations around funding and other issues.

Question

With the signing of the MOU with other Services

- a) Does the Fire Service feel we have a way to go in making a seamless transition towards the sharing of information?
- b) Or is the signing all that we expected?

Answer

Paul Turner from the Fire Service is actively working with St. John to improve the flow of communication between our two agencies. The Justice and Emergency Precinct in Christchurch will include co-located communication centres from 2017. This will be the ideal opportunity to continue to build strong relationships between emergency services.

Question

In regards to the new Type One specification - is it possible to confirm that a forestry delivery is to be fitted to the pump as part of the standard specification? A number of sources suggest that a forestry delivery will be omitted from the specification and those brigades on the urban-rural interface will have to rely on an instantaneous-to-forestry adaptor plugged into a low pressure delivery outlet to operate forestry deliveries.

Answer

It's correct that our new Type 1 spec doesn't include a dedicated forestry outlet. We haven't included one for some years and we're looking to simplify the pump panel and reduce the space requirements. However we're open to putting a forestry outlet on if there's a good case to do so, and we would welcome feedback on that or any other aspects of the appliance design. Feedback can be provided to the National Fleet Manager Mike Moran.

Question

There is pressure placed on volunteer brigades to have response times to call outs under a certain time. This places Brigades under pressure to make these targets that results in firefighters breaking road rules when driving to call outs. This pressure should not be placed on Brigades as volunteers. Is the association able to look into this?

Answer

The Fire Service has recommended guidelines to response times (see schedule). However it's important to remember these are only guidelines. Also the Fire Service understands that brigade capability varies and we want to work with you to achieve the best response times we can.

When driving to a turnout, driver safety and general community safety is always paramount. This is distinct to lights and sirens rules. However for the overall safety of the crew and community, road rules should always be obeyed when turning out to a call.

N7a Schedule of incident response SDGs

Refer to 'Definitions' for descriptions of start and finishing times.

SDGs for emergency response services

(Note: Volunteer times longer to allow for volunteers first getting to station)

SDG	Total response time for	Personnel	Time (min:sec)	Goal
ER01	1 st pump to structure fires within Urban Fire Districts	career	8:00	90%
ER02		volunteer	11:00	90%
ER03	2 nd pump to structure fires within Urban Fire Districts	career	12:00	90%
ER04		volunteer	16:00	90%
ER05	pump rescue tender to motor vehicle accidents (MVA)	career & volunteer	30:00	90%
ER06	HazMat unit to hazardous material incidents within main urban areas (see definitions)	career & volunteer	20:00	90%
ER07	HazMat unit to hazardous material incidents outside of main urban areas (see definitions)	career & volunteer	60:00	90%
ER08	1 st pump to medical calls within Urban Fire Districts	career	8:00	90%
ER09		volunteer	11:00	90%

SDG emergency response sub-goals

The SDGs total response times include sub-goal times for:

Action	Personnel	Time (min:sec)	Goal
ComCen answering	111 calls	0:08	90%
	administration calls	0:30	90%
ComCen processing	Private Fire Alarm (PFA) calls	0:30	90%
	calls from within Urban Fire Districts	1:30	90%
	calls from outside Urban Fire Districts	2:00	90%
Crew turnout	career	1:30	90%
	volunteer	5:00	90%
1st Pump travel time to structure fires and medical calls within Urban Fire Districts	career	5:00	90%
	volunteer	4:30	90%

SDGs for non-emergency services

SDG	Total time for	Time	Goal
FRM 01	Processing evacuation scheme applications (<i>under Fire Safety and Evacuation of Buildings Regulations 2006</i>)	20 working days*	100%
FRM 02	Providing advice to territorial authorities on building consent applications (<i>under Building Act 2004</i>)	10 working days	100%

*10 additional working days are allowed if further information is requested by the NZFS or if a trial evacuation is carried out and observed by the NZFS.

Definitions

The following definitions are used for the purposes of NZFS service delivery guidelines.

Times

The SDG	is timed from when	until the
total response time	ComCen receives call	appliance arrives at the incident or K2 message transmitted
ComCen processing time	ComCen answers call	selected station/appliances alerted
crew turnout time	Crew receives call	appliance responds (K1 message transmitted)
travel time	appliance responds (K1 message transmitted)	appliance arrives at the incident or K2 message transmitted
processing evac. scheme applications	the application is received	notice of decision is posted
providing advice	the request for information is received	notice of decision is posted

Other definitions

Goal %

The Goal is the percentage of tasks carried out that will be completed within the timeframe given by the goal.

Main urban areas

Main urban areas:

- are centred on a city or main urban centre
- have a population of at least 30,000
- have significant transport networks that handle hazardous materials.

For NZFS reporting purposes the following urban fire districts are classified as main urban areas:

- Whangarei (including Kamo)
- North-West Auckland (including West Harbour, Greenhithe, Titirangi)
- Central Auckland
- South Auckland
- Hamilton
- Rotorua
- Tauranga (including Papamoa, excluding Kawerau)
- Hawkes Bay (including Havelock North)
- New Plymouth
- Whanganui
- Palmerston North
- Hutt (including Stokes Valley, Silverstream)
- Wellington (including Tawa, Titahi Bay, Plimmerton)
- Nelson (including Stoke, Richmond)
- Christchurch (including New Brighton, Sumner, Lyttelton)
- Timaru
- Dunedin (including Ravensbourne, Port Chalmers)
- Invercargill

Medical calls

Medical calls include co-response and first response calls as defined in the NZFS Operational First Aid policy (G2 POP).

Does not include non-emergency ambulance assist calls.