



## **Notice to PSA and NZPFU Fire Risk Management/Fire Safety Officers**

### **Subject: Fire and Emergency New Zealand (FENZ) Inspector Roles**

Representatives of the PSA and NZPFU have been working with the FENZ transition team, national Fire Risk Management Advisor and the Manager of FRIU to facilitate the new role of "Inspector", which is headed in the first instance the direction of FRMO's.

Discussions have been held around the implications on our relevant CEA's as we collectively believe this is un-solicited new work, which needs to be reflected in the next CEA rounds.

There has also been many discussions around any potential impact on people who may struggle to undertake the role and what would happen to them.

There are many facets involving the Inspector role, but come 1 July 2017 the main impact will be around fire investigation work.

Fire investigations will still be able to undertaken by Specialist Fire Investigators, but, there are now a number of systems in place which as described to us are there to not only provide privacy to the affected parties, but also some protections for them as well as Fire Investigators, while needing to comply with the likes of the Bill of Rights, Privacy and Search and Surveillance Acts. These systems and processes will no doubt make fire investigations more complex and lengthy, but that's what we have been stuck with in a poorly crafted Act, when it comes to dealing with fire investigation.

Other issues under discussion are the statutory roles/requirements of the likes of "Authorised Persons" and their role in fire investigation.

Training and quality of training has been a big focus and we are pleased to say we believe we have made significant headway into this space if the drafts of the Inspector powers training are anything to go by. This has really set the benchmark for future Fire Risk Management training.

Attached to this notice is several pieces of correspondence from the Deputy National Commander Kerry Gregory, which will inform members of what we have been discussing and where we have got to.

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It would be fair to say that everything is not resolved, but we believe we are in a far better space than we would have otherwise been.

We have been lobbying hard for a better deal for the role of Fire Risk Management in the big picture and the people who perform the job.

FENZ are now well aware of the past reports and surveys which painted a dire picture of Fire Risk Management and for the people who work in this field.

From the top, Paul Swain, the Board, Director of the transition team David Strong, the transition team People and Capability department, Kerry Gregory have assured us that Fire Safety is a priority, it has been included as one (1) of FENZ's six (6) strategic priorities as "Risk Reduction" and we have been assured that any outstanding items, new items etc, etc will be looked at and addressed over time.

The PSA and NZPFU have commitments from all those involved to be part of the co-design over what Fire Safety might look like post 1 July 2017.

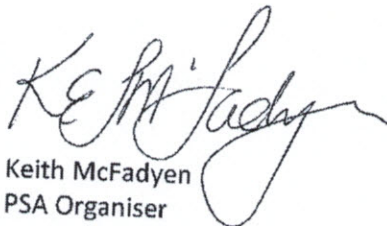
Both the PSA and the NZPFU have provided papers to the Board which outlines what we believe would be a good starting point to get Fire Safety/Fire Risk Management on track. These documents can be made available to members on request.

Both the PSA and NZPFU are pleased with the progress that has been made to date addressing many issues.

There is a long way to go to make Fire Safety/Fire Risk Management "Great Again" but we take a degree of comfort from the assurances we have received thus far from FENZ that this is a number one priority.



**Derek Best**  
Secretary  
NZPFU



Keith McFadyen  
PSA Organiser

- Kerry Gregory letter 8-5-2017 attached:
- Below E-mail from Kerry Gregory dated 26-5-2017:



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8 May 2017

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Kia Ora Koutou

I would like to acknowledge and thank Peter Hallet (NZPFU), Derek Best (NZPFU), Stu Law (PSA) and Bruce Irvine (PSA) for a very meaningful discussion on Friday 28 April 2017 about the many challenges facing the Fire Risk Management Officer (FRMO) group as we transition to Fire and Emergency New Zealand.

The introduction of the Fire and Emergency New Zealand Inspector powers will have some impact to the FRMO role. Initially, it was not thought to have much of an impact on existing roles however after discussions with you all, we now acknowledge that it may. The introduction of the new legislation on 1 July 2017 will mean from day one there will be new process to the way the current powers are exercised. Going forward the introduction of new powers such as the power to take samples, objects and things, and the power to deal with imminent danger are new areas of work for us. I confirm that these new powers will not be exercised by FRMOs on 1st July 2017.

Fire and Emergency New Zealand is committed to ensuring that appropriate training has been delivered for the inspector powers that will be granted to existing FRMOs on 1 July so they can understand any changes prior to exercising those powers. FRMOs will not be expected to exercise those powers until they have been provided the training on how to do so – if for some reason this doesn't happen before 1 July the person will not be appointed as a Fire Emergency New Zealand inspector until that training has been delivered. I confirm that people will not be exercising these powers under the new statute without the training to do so correctly. I have shown below a summary of the training currently planned for Day One.

I also confirm that the arrangements for appointing existing personnel to hold and exercise the powers of a Fire and Emergency New Zealand Inspector will be different from the ongoing future appointment process. For Day one existing staff who are identified as those who will be granted the powers of a Fire and Emergency New Zealand Inspector (which includes existing FRMOs) will not be required to submit a formal application or undergo Ministry of Justice vetting as they have already demonstrated that they are fit and proper persons as the legislation requires. I don't expect anyone in these roles currently to have to go through police checks again as we move to Fire and Emergency New Zealand.

You should also be aware that as part of the Leader Led activities, the Leader Guide which has been prepared and will be distributed to all leaders in the coming few days contains information

[www.fire.org.nz](http://www.fire.org.nz)



about our proposed approach. I understand that we are still discussing the detail of implementation and you and your members have some concerns, but we have had to keep pressing ahead. I will ensure that you all have a copy of this pack and can see what Leaders have been briefed with regards to Fire and Emergency New Zealand Inspectors.

Existing staff have already demonstrated that they are fit and proper persons as the policy requires – I don't expect anyone in these roles currently to have to go through police checks etc again as we move to Fire and Emergency New Zealand.

I acknowledge there will be some impact this will have on workloads, both in terms of the time that will be needed to undertake training, and the potential impact from any process changes for the day to day process of fire investigation in particular. I will inform the Area Manager group so they are aware and can accommodate this change to the workload demand as it unfolds and we see what the impact is.

The introduction of the remaining powers is an exercise we will develop in consultation with the unions. We are moving into areas we have not been in before – we need to make sure we get it right, and that the impact on all affected staff is properly identified and managed.

We acknowledge the view that Fire Risk Management has been under resourced for many years in the New Zealand Fire Service. Fire and Emergency New Zealand has placed risk reduction as one of the 6 strategic priorities. This will be pivotal going forward in informing the operating model for Fire and Emergency New Zealand and the structure and resourcing that sit behind that model after 1 July. There is a commitment to working with our organisational partners Unions will be involved in the process of ensuring the organisation's approach and structure is appropriate to deliver effective services to our communities.

We are not talking about a paper reshuffle but a different organisation operating model that is resourced appropriately with appropriate training to be able to deliver services we are responsible for. Everyone acknowledges that this won't be able to be completed for 1 July, but there will need to be a significant programme of work over the next few years.

In the meantime, as a concrete first step, we have agreed to work with NZPFU and PSA to have another look at the Hayes job sizing for the FRMO role, taking into account any new work and changes introduced by the new legislation prior to the next contractual negotiations.

This is a time of great change for all of us – there is a lot to be done by 1 July in very little time, and then a large amount of ongoing work as we make Fire and Emergency New Zealand fit for purpose to meet the evolving challenges of the future. I really appreciate the passion and dedication of the Fire Risk Management team across the country in what can feel like an unrecognised and unseen part of the organisation. I would like to say that the contribution of our Fire Risk Management team as a whole to the public of New Zealand is commended and you should be very proud of that effort as we are of it as an organisation.

I appreciate your willingness to work constructively with us to help us build our future. We are committed to working with you all to get this right for Fire and Emergency New Zealand

Yours sincerely



Kerry Gregory  
Deputy National Commander

Tena korua Peter and Stu

Thank you for meeting on Tuesday. I am pleased we have been able to move forward in addressing the concerns of the FRMO group in advance of day one.

One concern related to exercising the remaining two powers. I explained that we needed to do further work to better understand when and how these powers would be exercised and this work would be undertaken with yourselves. You will also be included in the initial training being provided to the nominated 10 individuals for day One.

We also discussed the proposed training that all FRMOs would undertake. You have now seen this and are more comfortable with what is planned. You will both be involved in the pilot on 29 May where everything will be tested. In addition Todd O'Donoghue has offered to run regular teleconferences with FRMOs to provide additional guidance and support following the training and as FRMOs exercise the new powers. You also said that you have reviewed the other collateral that was being developed, e.g. Field Guide and supporting processes, and although this was not perfect it would be sufficient for Day One and would be further developed over time.

We discussed the worry that some of your members have about what would happen if they were not able to exercise the powers to a satisfactory standard. I would just like to reiterate the commitment of Fire Emergency New Zealand to ensuring that our people are supported as the new legislative framework comes into force and we take on the Inspector powers. Fire Emergency New Zealand wants everyone to succeed in this change by providing appropriate training and support for all staff as this is the kind of organisation we want to be. We understand that different people learn in different ways, and it may take a while for people to get their heads around a new way of doing things. We understand and accept that there will need to be a period of time to bed the changes in so our people can learn and understand any changes. If someone is finding it challenging, we want to work with them to help them succeed. If following all of that, there is still an issue, we will discuss on an individual basis the circumstances and the best way forward for them.

We also talked about how the Risk Reduction work would be supported and led at a senior level from 1 July. Paul McGill as the new National Commander will pick up this agenda from 1 July and is fully supportive of our approach. I also shared with you that there is strong support for FRMOs and the work they do from OLT.

Finally I received an email from you on Wednesday looking for further clarification around authorised person's ability to carry out Fire Investigation throughout an incident. I felt this was thoroughly outlined in my letter of 24<sup>th</sup> May however if that has not given you comfort I would like to draw your attention to Section 161 of the FENZ Act that provides limitation of liability to authorised persons, so long as that person is acting 'in good faith' as well as Section 162 which provides an authorised person a defence in any legal proceeding, so long as they have 'complied with all relevant policies, standards, and operational instructions of FENZ'.

I hope the above provides assurance to you and your colleagues going forward to 1 July and beyond.