

Australian Capital Territory

Emergencies (Suspension and Disciplinary Arrangements for Volunteers) Commissioner's Guidelines 2006

Notifiable Instrument NI 2006 – 220

made under the

Emergencies Act 2004, s 11 (Commissioner may make guidelines).

1. Name of Instrument

This instrument is the *Emergencies (Suspension and Disciplinary Arrangements for Volunteers) Commissioner's Guidelines 2006*.

2. Commencement

This instrument commences on 1 July 2006.

3. Commissioner's Guidelines

The ACT Emergency Services Commissioner hereby makes the *Commissioner's Guidelines relating to Suspension and Disciplinary Arrangements for Volunteer Members of the ACT Emergency Services Agency* in Schedule 1 to this instrument.

4. Revocation

NI2005-453 is revoked.

David Laurence Prince
Acting ACT Emergency Services Commissioner
26 June 2006

NI 2006 – 220
Schedule 1

EMERGENCY SERVICES AGENCY

COMMISSIONER'S GUIDELINES

relating to

**SUSPENSION AND DISCIPLINARY
ARRANGEMENTS FOR VOLUNTEER
MEMBERS OF THE ACT EMERGENCY
SERVICES AGENCY**

July 2006

A.C.T. EMERGENCY SERVICES AGENCY

COMMISSIONER'S GUIDELINES

SUBJECT: DISCIPLINARY AND SUSPENSION ARRANGEMENTS FOR VOLUNTEER MEMBERS OF THE EMERGENCY SERVICES AGENCY

1. PURPOSE

To provide Commissioner's guidelines relating disciplinary and suspension arrangements of volunteer members of the ESA.

These guidelines are made in accordance with the *Emergencies Act 2004*. They are based broadly on the practices that apply to the appointment of career employees.

2. REFERENCES

- a. *Emergencies Act 2004*
- b. *Public Sector Management Act 1994*, Part 2, Division 2.1, Section 9, "General obligations of public employees"
- c. *Public Sector Management Standards*, Standard 1, "Ethics"
- d. ACT Emergency Services Agency, "Code of Conduct"
- e. Individual Service codes of conduct

3. DEFINITIONS

ACTAS – ACT Ambulance Service

ACTFB – ACT Fire Brigade

ACTRFS – ACT Rural Fire Service

ACTSES – ACT State Emergency Service

CFU – Community Fire Unit

Chief Officer – means the Chief Officer of an Emergency Service, appointed under the *Emergencies Act 2004*.

Commissioner – means the ACT Emergency Services Commissioner, appointed under the *Emergencies Act 2004*.

Emergency Service – means ACTAS, ACTFB, ACTRFS, or ACTSES, and includes a brigade of the ACTRFS, a unit of the ACTSES, or a CFU established under the *Emergencies Act 2004*, or a member of any of those organisations.

ESA – means the ACT Emergency Services Agency

4. BACKGROUND

- a. The ACT Emergency Services Agency has the object of protecting life property and the environment in the ACT. The Agency achieves this in a number of ways including through the use of appropriately skilled and trained career and volunteer members.
- b. The *Emergencies Act 2004* provides the legal framework (Ss 59B and 59C) for Chief Officers to appoint and end the appointment of volunteer members in accordance with Commissioner's guidelines. The Commissioner makes Commissioner's guidelines under which the ESA operates.

5. OBJECTIVES

- a. establish a framework of legislation and procedures which are understood by prospective and existing volunteers and which are able to be managed by the respective Chief Officers of the ACT's Emergency Services.
- b. articulate a framework which provides procedural fairness and natural justice for volunteer members.
- c. provide sufficient authority for Chief Officers to act in a timely manner in the best interests of their respective services.

6. GUIDING PRINCIPLES

6.1 Suspension of Volunteers

- a. A volunteer may be suspended from the respective volunteer service either:
 - i. for a maximum period of six months by the Chief Officer, or two weeks by a Unit Commander or Brigade Captain, for disciplinary reasons; or
 - ii. for a period of twenty-one days while the Chief Officer (or a person authorised by the Chief Officer) forms the view whether or not to impose a penalty in accordance with these guidelines.
- b. The Chief Officer may extend the period of suspension for further periods, determined by the Chief Officer, to permit investigation of the actions of a volunteer.

- c. It is desirable that people are able to make their case for not being suspended, if this is being considered, and this should occur prior to a decision on suspension. This may not always be possible due to the nature of operations, but in any case where a decision is made to suspend a volunteer they must be advised promptly by the decision-maker of the reasons for that decision.
- d. The affected volunteer may request that the ACT Emergency Services Commissioner review the decision of suspension.
- e. If requested, the Commissioner may review a decision to suspend a volunteer and refer any recommendations back to the respective service Chief Officer. The Chief Officer may decide to confirm or rescind the suspension. This decision will be advised to the volunteer in writing at the earliest opportunity. This decision is not subject to review.

6.2 Imposition of Penalties on Volunteers

- a. A volunteer, who is not on probation, may have a disciplinary penalty imposed by a Chief Officer, if the Chief Officer forms the reasonable opinion, on the balance of probability and having considered the expected standards, that the volunteer has behaved in a manner that:
 - i. is guilty of misconduct; or
 - ii. has brought the Service into disrepute; or
 - iii. displays behaviour that is contrary to the effective management and good order of the Service; or
 - iv. it is in the interests of the respective Service to do so.
- b. A decision to impose a disciplinary penalty on a volunteer is not to be taken without due consideration and the volunteer will be provided natural justice and procedural fairness. (*Note – Volunteers should be given details of the case against them and be provided the opportunity to respond prior to a decision being made*).
- c. The Chief Officer will provide the volunteer, in writing, details of any penalty imposed on them and the Chief Officer's reasons for reaching a decision to impose a penalty.
- d. The affected volunteer may request the Commissioner to review the decision of the Chief Officer. The request must be made within fourteen days of the volunteer receiving notice of the decision.
- e. On receiving such a request the Commissioner may review the decision to impose a penalty on the volunteer and refer any recommendations back to the respective Chief Officer. The Chief Officer may decide to confirm the penalty or make any other penalty applicable under these guidelines. This decision

will be advised to the volunteer in writing at the earliest opportunity. This decision is not subject to review.

6.3 Penalties for Volunteers Under these Guidelines

- a. The range of penalties which may be imposed by a Chief Officer under these guidelines are
 - i. formal counselling or written admonition;
 - ii. suspension for a maximum period of six months as determined by the Chief Officer; and/or
 - iii. demotion within the ranks applicable to the respective Service; or
 - iv. termination as a volunteer from the respective Service.
- b. Chief Officers need to ensure that the weight of punishment decided for a volunteer is proportional to any disciplinary offence that the volunteer has committed.

7 REVIEW

These guidelines will be reviewed every two years, or more frequently if needed.