



# Service Standard 1.1.21

## Stand Down/Removal from Membership & Notification of Criminal Charges & Convictions

---

**Date of Issue** 3 October 2008

---

**Version Number** 2.1

---

### 1. Purpose

1.1 This Service Standard:

- (a) updates SS 1.1.21 (previously titled Suspension Pending Investigation and Disciplinary Action); and
- (b) incorporates Service Standard 2.1.3a Removal from Membership.

1.2 This Service Standard sets out the procedure to be followed in relation to:

- (a) standing a member down;
- (b) removing a person from membership; and
- (c) notifying the NSW Rural Fire Service (“**the RFS**”) of a criminal charge or conviction.

### 2. Policy

#### Stand Down

2.1 If it is alleged that a member has:

- (a) committed a criminal offence in New South Wales which is punishable by imprisonment for 12 months or more;
- (b) committed a criminal offence in any place outside New South Wales which, if committed in New South Wales, would be punishable by imprisonment for 12 months or more; or
- (c) engaged or been involved in conduct which, if it is found to have occurred, would provide grounds for a finding that the person was no longer a fit and proper person to remain a member of a rural fire brigade

a district manager, regional manager or director regional management (“**DRM**”) **may** direct the member to stand down from all RFS activities pending an investigation of the allegation.

2.2 The procedure to be followed by a district manager, regional manager or DRM is set out in SOP 1.1.21-1.

- 2.3** A member that has been directed to stand down from all RFS activities must not:
- (a)** respond to any incident call;
  - (b)** participate in any brigade or other RFS activity;
  - (c)** approach or enter any brigade station or other RFS premises; or
  - (d)** wear RFS uniform or PPE
- until further notice.
- 2.4** The district manager, regional manager or DRM must, as soon as practicable, investigate the allegation or allegations with a view to:
- (a)** revoking the decision that the member should be stood down;
  - (b)** initiating disciplinary action in relation to the matter; or
  - (c)** initiating action to remove the member's name from the brigade register.
- 2.5** Where a member has been stood down as a consequence of his or her having been charged with a serious criminal offence, it will not normally be practicable to investigate the allegation or take further action in relation to the matter until the charge or charges have been resolved.
- 2.6** The district manager, regional manager or DRM must, immediately upon determining that a decision to stand a member down should be revoked, must notify:
- (a)** the member; and
  - (b)** the regional management officer ("**RMO**"),
- of that decision in writing.
- 2.7** A member who has been stood down may ask the Executive Director Operations and Regional Management to review that decision.

### **Removal from membership**

- 2.8** A district manager must remove a member's name from the brigade register ("**the register**") if:
- (a)** the member has died; or
  - (b)** the member applies to the district manager in writing to have their name removed from the register.

A member who resigns from the RFS in writing, regardless of the person or office to which the resignation is addressed, will be treated as if they have applied to have their name removed from the register.

SOP 1.1.21-2 does not apply in these circumstances.

- 2.9** In all classifications of membership excluding Life Member, a district manager may remove a member's name from a register if the person:
- (a)** at the end of their probationary period of membership, has not:
    - (i)** achieved a satisfactory level of competency required by the Service Standards; or

- (ii) satisfied a requirement or requirements for confirmation of membership set out in the constitution of the brigade;
- (b) has ceased to be an active member of the brigade for a period of 12 months or more;
- (c) has not paid his or her annual subscription in accordance with the brigade's constitution; or
- (d) the brigade has, in accordance with the relevant provisions of the brigade constitution, passed a resolution asking the district manager to remove the person's name from the register.

**2.10** A regional manager or DRM may remove a member's name from the register if the person:

- (a) is found guilty of a breach of discipline;
- (b) becomes a mentally incapacitated person;
- (c) is convicted in NSW of an offence that is punishable by imprisonment for 12 months or more or is convicted outside NSW of an offence that, if it had been committed in NSW, would have been punishable by imprisonment for 12 months or more; or
- (d) is in the opinion of the regional manager or DRM, no longer a fit and proper person to be a member of the brigade.

**2.11** The procedure to be followed in relation to the removal of a person's name from the register is set out in SOP 1.1.21-2.

### **Members must notify the RFS of certain convictions**

**2.12** A member who is, on or after **13 June 2007**, convicted:

- (a) in New South Wales of any offence which is punishable by imprisonment for 12 months or more; or
- (b) is convicted in any place outside New South Wales of an offence that, if committed in New South Wales, would be punishable by imprisonment for 12 months or more

must advise the RMO of that fact in writing within seven (7) days of the conviction using the form annexed to this Service Standard.

### **Members must notify the RFS of certain criminal charges**

**2.13** A member who is , on or after **13 June 2007**, charged:

- (a) in New South Wales with an offence:
  - (i) which is punishable by imprisonment for 12 months or more;
  - (ii) is an offence of the type specified in clause 2.14; or
- (b) in any place outside New South Wales with an offence:
  - (i) which, if committed in New South Wales, would be punishable by imprisonment for 12 months or more or
  - (ii) an offence specified in clause 2.14

must advise the RMO of the charge or charges in writing within seven (7) days of being charged using the form annexed to this Service Standard.

**2.14** The specified offences are any offence which is:

- (a) a "sexual offence" as defined in section 7(4) of the *Criminal Records Act, 1991 (NSW)* or a similar offence in another jurisdiction;
- (b) any dealings with or involving a person under the age of 18 years;
- (c) dishonesty, including theft or fraud;
- (d) assault or violence against a person;
- (e) the death or injury of another person;
- (f) the importation, manufacture, cultivation, sale, distribution or trafficking of drugs;
- (g) terrorism, however described;
- (h) arson or the setting of fires, however described; or
- (i) public mischief or the making of false alarms.

The specified offences include any attempt or conspiracy to commit the substantive offence.

### **3. Links**

- SOP 1.1.21-1 Stood Down from Membership
- SOP 1.1.21-2 Removal from Membership
- SOP 1.1.21-3 Notification of Charges and Convictions

### **4. Who is responsible for implementing the Service Standard?**

- Director Membership Services

### **5. Amendments**

- Clause 2.9

October 2008



# SOP 1.1.21-1

## Stand Down from Membership

These SOPs form part of Service Standard 1.1.21 Stand Down/Removal from Membership & Notification of Criminal Charges & Convictions

### 1. Purpose

This Standard Operating Procedure outlines the steps that must be followed for the standing down of a member.

### 2. Procedures

- 2.1 Before making a decision as to whether or not a member should be stood down from membership, a district manager must consult his or her regional manager.
- 2.2 If a district manager determines that a member should be stood down, the district manager must advise the member that they have been stood down by notice in writing ("**the Notice**").
- 2.3 The Notice must:
  - (a) specify, in general terms, the basis upon which the decision has been made;
  - (b) direct the member not to:
    - (i) respond to any incident call;
    - (ii) participate in any brigade or other RFS activity;
    - (iii) approach or enter any brigade station or other RFS premises; or
    - (iv) wear RFS uniform or PPE until further notice; and
  - (c) inform the member that they may apply to the Director Membership Services ("**DMS**"), in writing to have the decision reviewed;
  - (d) be given to the member by one or more of the following methods:
    - (i) physically giving it to the member;
    - (ii) posting it to the member's last known residential or business address; or
    - (iii) sending it by fax or email to a fax number or email address that the member has provided to the RFS.
- 2.4 The district manager must also provide a copy of the Notice to the RMO.

## **Review procedure**

- 2.5** The DMS may conduct a review of the decision to stand down a member in any manner the DMS believes is appropriate provided that the member is given a reasonable opportunity to make a written submission to the DMS in relation to the matter.
- 2.6** Within 21 days of receiving a request to review a decision to stand down a member, the DMS must advise:
- (a)** the member; and
  - (b)** the district manager who made the original decision to stand down the member;
- in writing as to whether the decision to stand down the member is confirmed or revoked.



# SOP 1.1.21 - 2

## Removal from Membership

This SOP forms part of Service Standard 1.1.21 Stand Down/Removal from Membership & Notification of Criminal Charges & Convictions

### 1 Purpose

- 1.1 This Standard Operating Procedure outlines the steps that must be followed for the removal of a member from the RFS, where a district manager, regional manager or DRM makes a determination that a person should be removed from membership.

### 2 Procedures

- 2.1 Where it is determined that a member should be removed from the RFS by a district manager, a regional manager or DRM ("**the decision maker**"), they must give that person notice in writing ("**the Notice**") that their name is to be removed from the membership register.
- 2.2 The Notice must:
- (a) specify the basis upon which it is proposed to remove the person's name by reference to the relevant provision or provisions of the Regulations;
  - (b) if the basis upon which it is proposed to remove the person's name is that:
    - (i) the person, being a probationary member, has not achieved a satisfactory level of competency required by the Service Standards;
    - (ii) the person, being a probationary member, has not satisfied a requirement or requirements for confirmation of membership set out in the constitution of the brigade; and/or
    - (iii) the decision maker has formed the opinion that the person is no longer a fit and proper person to be a member of the brigade;the Notice must also specify the facts, matters or circumstances upon which that conclusion has been reached; and
  - (c) inform the person that their name will be removed from the register 21 days after the date on which they were given the Notice unless they appeal in writing against the decision to the Commissioner.

- 2.3** The Notice must be given to the person by one or more of the following methods:
- (a)** physically giving it to the person;
  - (b)** posting it to their last known residential or business address; or
  - (c)** sending it by fax or email to a fax number or email address the person has provided to the RFS.
- 2.4** If the person does not appeal against the decision in writing to the Commissioner within 21 days of being given the Notice, the decision maker must advise the RMO:
- (a)** that the person's name has been removed from the register; and
  - (b)** the basis or bases on which it has been removed.
- 2.5** The Commissioner may refer any appeal against a decision to remove a person's name from the register to an executive director for determination.
- 2.6** The Commissioner or the executive director to whom the appeal has been referred, may conduct the appeal in any manner they think fit provided that they observe the rules of natural justice.
- 2.7** Within seven days of the conclusion of the appeal proceedings, the Commissioner or the executive director to whom the appeal has been referred, must advise:
- (a)** the person;
  - (b)** the decision maker; and
  - (c)** the RMO
- of his or her decision in writing.





# SOP 1.1.21-3

## Notification of Charges and Convictions

<b>These SOPs form part of</b>	Service Standard 1.1.21 Stand Down/Removal from Membership & Notification of Criminal Charges & Convictions
--------------------------------	---

<b>Attached Form(s)</b>	<ul style="list-style-type: none"><li>▪ Notification of Criminal Charge or Conviction</li><li>▪ Consent to Obtain Personal Information</li><li>▪ 100 Point Identification Check</li></ul>
-------------------------	---

### 1 Purpose

1.1 This Standard Operating Procedure outlines the steps that all RFS volunteers must follow to notify the NSW Rural Fire Service of a criminal charge or conviction.

### 2 Procedures

2.1 The procedures are as detailed in the flowchart listed below

This process may take up to 6 weeks to complete





## NSW Rural Fire Service

# Notification of a Criminal Charge or Conviction

**ATTENTION: REGIONAL MANAGEMENT OFFICER**

### Charge or Conviction Details

Name:

(Please include surname and given names)

Date of Birth:

Address:

Brigade:

District/Team/Zone

### Complete Details

*Please provide complete details of the charge or conviction and any relevant supporting material.*

Offence(s):

.....  
 .....

Date allegedly committed: .....

Where was the offence(s) allegedly committed?  
 (State/Territory or country)

.....  
 .....

Findings and/or penalty imposed:

.....  
 .....

If you wish to provide any further information about:

- the matter(s) referred to above;
- the circumstances in which the offence(s) were allegedly committed

or anything else which you want the RFS to take into account when considering what, if any, action it should take please set out that information below (or on attachments to this form if necessary).

.....  
 .....

### Notice regarding personal information

Personal information collected by the RFS when you complete and submit this form will be used by the RFS to determine whether (in the case of a conviction) to remove your name from the brigade register or stand you down pending further investigation. The information will be kept in a secure file. The information may be accessed by authorised members of the staff of the RFS who must comply with Service Standard 1.1.14 Personal Information and Privacy in their handling of this information. You can review and amend your personal information held by the RFS by contacting the Regional Management Officer at the address on this form. It is a requirement of Service Standard 2.1.8 that you provide this information. Failure to comply with this Service Standard may constitute a breach of discipline.

### DECLARATION

I declare that the information I have provided is true and complete.

Signed: ..... Date: ...../...../.....

Name: .....

Phone: .....

*All reports must be returned to and marked  
 "Private & Confidential"  
 Regional Management Officer  
 C/- Service Membership Unit  
 NSW Rural Fire Service  
 Reply Paid 67059, Granville NSW 2142*