



National Headquarters
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Wellington
New Zealand

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29 September 2020

9(2)a

By email: 9(2)a

Dear 9(2)a

Information Request – UFBA Out of Investigation

I refer to your official information request dated 1 September 2020 asking for information about out of scope and their investigation into allegations against their CEO.

Out of Scope

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- [Redacted]

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Out of Scope

Out of Scope

You have asked for the following information in relation to the inquiry:

1. Can you please confirm whether FENZ is contributing funding or resources, or assisting in any way with that inquiry, and whether any other levy or public funding is being used; and if so to what level/extent?
2. Can you please provide and whether this inquiry comes within the costings provided by the UFBA business plan outlining its request for funding for this financial year?
3. Can you please provide the scope of this investigation?
4. Can you please confirm when these allegations were first brought to your attention and whether you both think it was appropriate to continue funding an organisation for the support of its membership with such allegations of sexual misconduct and bullying were levelled against the CEO?
5. What steps or investigation did either of you establish at the time the allegations were brought to your attention, and the scope of any such investigation?
6. What steps of investigation did either of you establish that FENZ funding was being appropriately allocated and used when you were aware of such serious allegations?

The UFBA has commissioned the independent investigation into complaints about its CEO. Fire and Emergency New Zealand has referred the information provided by the independent QC.

This issue in respect of his leadership of a volunteer brigade.

The Fire Service appointed a senior public and employment law barrister to independently investigate these issues. This independent investigation was concluded in 2018. We are unable to discuss the scope or findings of the investigation without the consent of all the parties involved.

Fire and Emergency New Zealand funds the UFBA for a range of services to benefit volunteers. A range of appropriate accountability measures are in place to ensure they are used for the purposes for which they are intended.

This inquiry is not specifically within the costing provided by the UFBA Business Plan or the 2020-21 funding proposals. Our funding to the UFBA assists them to deliver the following

services to volunteers, service recognition and retention programme and the continued operation of the Volunteer Accident and Assurance Scheme and

- **Non-core services** are other functions that encourage, maintain and strengthen the capability of members' brigades. These include the annual conference, national and regional challenges and volunteer capability building. Challenges provide an opportunity for brigades to demonstrate the broad range of skills and techniques required in firefighting and emergency response role.
- **Volunteer capability building** activities are funded based on actual costs incurred. Volunteer capability development includes leadership and governance, psychological wellbeing and secretaries and treasurers' workshops, and the pathways to Fire and Emergency programme for engaging with young people.

You will need to contact the UFBA directly for comment on any funding they receive from other sources.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



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[Redacted], Office of the Chief Executive

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Released under the Official Information Act 1982



From: 9(2)a

Sent: Thursday, 14 January 2021 10:53 AM

To: .@.; Wood, Russell <.@.>

Cc: 9(2)a

Subject: FENZ CONTINUED FUNDING OF UFBA

Dear Paul and Russell (acting CE),

I refer to you the recent confirmation the UFBA investigations into UFBA CEO Bill Butzbach will not be proceeding and he has been reinstated into his position. Mr Butzbach was facing three separate allegations of misconduct made involving three separate complainants. It has been reported that the UFBA abandoned the investigation when the process could not be agreed with the complainants. The complainants are reported to state that the issue was they would not be guaranteed being provided the investigation report.

FENZ funds the UFBA costing about \$4 million (not including significant additional funding provided for training, conferences, and other volunteer-only costs) per annum. The core funding is primarily for the UFBA to provide advocacy and support services and volunteer capability development which includes leadership and psychological wellbeing. In accordance with section 37 of the Fire and Emergency Act 2017 there is a statutory obligation to provide volunteers with access to advocacy and support services.

FENZ has an obligation to ensure that any organisation it is funding to support and advocate on behalf of volunteer firefighters, and to provide leadership and psychological wellbeing support to volunteers, is a credible organisation that is undertaking those obligations without fear or favour for all volunteers regardless of rank, status or location.

FENZ CE Rhys Jones is on the public record stating that the Fire Service first became aware of a complaint against Bill in 2016, that an independent barrister was appointed to investigate the allegations but he could not discuss the findings. At the time the UFBA investigation was announced last year FENZ was sitting on its hands stating that UFBA was investigating the allegations. The UFBA investigation never negated FENZ's obligations, but now the UFBA investigation has collapsed the spotlight once again firmly rests on FENZ and whether FENZ is fulfilling its responsibilities.

In 2016 Bill was the Fire Chief in Martinborough. He held that position for six years until 2019. Under the Health and Safety in Employment Act 2015 a volunteer comes within the definition of a worker and FENZ has a duty of care to volunteers including as far as reasonably practicable ensuring the health and safety of those workers. It has an obligation to deal with these serious matters in the interests of those volunteers.

- Have FENZ (or its predecessor the NZFS) investigated all complaints from the three separate complainants? Rhys only referred to one.
- If not, why not and what is going to be done now?
- Did each investigation produce findings?
- Were the findings acted upon or implemented?

At the time of the alleged incidences Bill was a volunteer Fire Chief and currently he heads the organisation funded by FENZ to support and advocate for volunteers. Any way you look at this FENZ must act to preserve the integrity of its support for volunteers. FENZ has a fiscal and statutory obligation to ensure the organisation it funds to support and advocate on behalf of volunteers, and to provide development and psychological support. That organisation must be credible and demonstrate transparency, fairness as well as report that the funding has been used for the purpose it was provided.

- What is FENZ's position on the continued funding of the UFBA in the current circumstances?
- Does FENZ have any concerns about the continued operation and funding of the UFBA in these circumstances?

Even if all allegations were fully and appropriately investigated and found not be upheld, there are serious questions as to whether the UFBA is providing support and advocacy services as it is funded to do so. After the Radio New Zealand broadcasted a programme on complaints by women volunteer firefighters against other volunteers firefighters and Chiefs, the NZPFU was contacted by a number of those complainants and other women volunteers seeking support and assistance. At least one volunteer did not know what the UFBA was, most did not know the UFBA was funded to provide support and advocacy for volunteer firefighters, and the couple that had sought help found the UFBA support woeful and biased towards rank.

According to the UFBA annual report the UFBA provided advocacy and support to 109 cases in 2019-2020 and made submissions on behalf of 4 members. That have been provided millions to provide this support yet there appears to be no controls, monitoring or transparency.

- How do those reported statistics stack up against the number of volunteers seeking support and advocacy?
- What is the breakdown in rank in those the UFBA actually represented?
- What is the gender breakdown in those the UFBA actually represented? Is the support and advocacy provided on a professional basis?

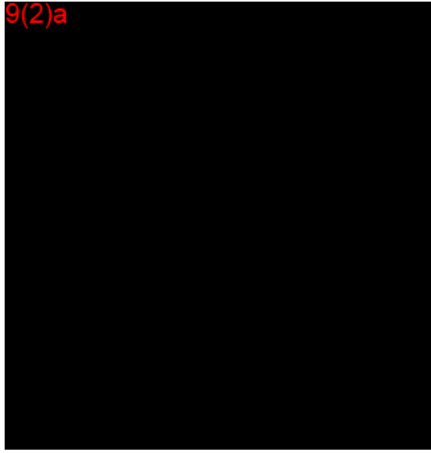
The experiences of the women volunteer firefighters we have spoken with are deeply concerning. There appears to be an ability for volunteer brigades to contain complaints within the brigade without a requirement to notify FENZ of these complaints. These leaves the complainant, particularly if the complainant is of a firefighter rank, a woman or making a complaint against the Chief very vulnerable. There are publicised complaints of one women being interrogated in a small office with her alleged abuser and other male brigade members of higher rank standing over her to coerce her into dropping her complaint. It appears that it is only if the complainant goes outside of the Brigade, or if the Brigade itself seeks FENZ input that FENZ would even know about these complaints. We are concerned that the UFBA may in fact be handling those complaints, or know of these complaints and instances without any required notification or involvement of FENZ.

- Can you please confirm if all Brigades are required to notify of complaints and allegations to FENZ, and if so what is that process?

We are very concerned that FENZ funding is not being used for its proper purpose, and/or that advocacy and support is not being afforded fairly and equitably, or that it is even accessible to all volunteers, regardless of position, rank or gender. We request a response to the issues raised above and request an opportunity to meet with you to discuss these serious matters including whether FENZ has re-assessed its funding and obligations for volunteer support in light of the current circumstances.

Yours sincerely,

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