

Firepoint

Victorian Chapter No. 58

President: Adrian Edwards

Phone: (03) 9865 2468

Fax: (03) 9865 2466

Editor: Brian Neal

Phone: (03) 9754 4569

Fax: (03) 9762 2969

Postal Address: The Secretary

IAAI

Victorian Chapter No. 58

P.O. Box 4083

Frankston Heights

Victoria 3199

Western Australian Chapter

President: Bill Mansas

Phone: (09) 223 3521

Fax: (09) 223 3548

Postal Address: c/- 2 Adelaide Terrace

Perth

Western Australia 6000

Association of Fire Investigators (Queensland). Chapter No. 59

President: Terry Casey

Phone: (07) 3832 7052

Fax: (07) 3832 7063

Secretary: Charles Foley

Phone: (07) 3864 6244

Fax: (07) 3822 4246

Editor: Terry Casey

Phone: (07) 3832 7052

Fax: (07) 3832 7063

Postal Address: Qld. Assocn. of Fire Investigators

P.O. Box 5173

Alexandria Hills Qld 4161

Association of Fire Investigators (N.S.W.) Chapter No. 47

President: Ross Blowers

Phone: (043) 883585

Fax: (043) 883585

Secretary: Robert Mooy

Phone: (02) 9364 6300

Fax: (02) 9235 1244

Postal Address: NSW Assocn. of Fire Investigators

P.O. Box 148

Concord NSW 2137

Editor: Wal Stem

Phone: (02) 9514 1743

Fax: (02) 9514 1460

Postal Address: 93 Deepwater Road

Castle Cove NSW 2069

EDITORIAL

Fire Investigators were quick to adopt faxes and mobile phones, but seem to have been slower to get on the Internet. An article in this issues provides an introduction, and an incentive to get moving. Can you find my photo on the Internet?

There is also published the first of a number of reports, from the recent Conference of NSW AFI.

Next issue will give a report on the Queensland live burn (and much more).

I would welcome more feedback, on what you would like to see in the magazine.

Wal Stern

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Stuart Ritchie
P.O. Box 229, Lawson, NSW, 2783
Phone/Fax: (047) 59 2999
Mobile: 014 608 707

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HEALTH AND SAFETY OF INVESTIGATORS AT FIRE SCENES

(A paper presented to the NSW Arson 1996 Conference in Sydney, in July, 1996)

by Jim Munday, Fire Investigator/Forensic Scientist Metropolitan Police, London.

ABSTRACT

Fire and explosion scenes are inherently hazardous places in which to work. It is essential that the risks involved are fully appreciated so that informed decisions can made.

The legal requirements in the Umted Kingdom are outlined, together with the potential problems which can arise in attempting to meet them. It is necessary for employers to have a suitable safety management system and for employees to understand and comply with it.

The concept of risk assessment is discussed with particular emphasis on a method scene safety management which should ensure that the health and safety aspects of every scene are fully considered.

Finally, some illustrations are given of the most commonly encountered hazards, together with examples of the ways in which the risks can be controlled to acceptable levels.

INTRODUCTION

Investigation at the scenes of fires, explosions and similar incidents is inherently dirty and hazardous. Each investigator should aim to reduce the risks to a consistent with the scope of the planned examination. There will inevitably occasions when the risk cannot be restricted to an acceptable level and the scene activities will have to be curtailed. Serious injury or death are too high a price to pay for the information which might be obtained.

The distinction between 'hazard' and 'risk' often causes confusion. A reasonable approach is to consider a hazard as something with the inherent potential to cause harm, whilst a risk is the and likelihood potential seriousness of harm arising from the hazard. For example, in climbing a ladder, the hazard involves the height above the ground and the risk is the possibility of falling. Risks can be reduced, for example by the introduction of control measures, even when the hazard remains the same.

The hazards to be considered in this presentation arise mainly after the fire is extinguished. The assessment and management of risks during fire fighting are largely outside the author's expertise. Such information can best be obtained from people involved in training firefighters.

LEGISLATION

In the United Kingdom, the fundamental law in this area is the Health and Safety at Work, etc Act 1974 (HSWA). Other regulations and directives, most recently emanating from the European Union. are implemented under this overall framework. The two most important duties under the HSWA are for employers to provide a safe place of work and for employees to take all reasonable precautions for their own safety and that of others affected by their work. It is a legal requirement that a risk assessment be carried out and recorded for everv In a normal work activity. environment (such as a factory, laboratory or office) the employer carries out risk assessments, controls the work environment and provides suitable training and equipment to the workforce. They should then be safe so long as they their follow instructions. However, in most cases it is impossible for the investigator's employer to regulate the scene of an incident. A recent development has been the 'safe person' concept. used when workplace is outside the direct control of the employer (for example, a fire or crime scene). In this case the emphasis is on

the employer selecting the correct worker for the task and providing sufficient information, training, equipment and support to enable the work to progress safely.

In practice, therefore, the best approach is for the employer to provide some form of generic risk assessment. This must be supported bv sufficient training and expertise on the part of the investigator to carry individual assessments for each scene, as each incident will present a different combination of hazards. It became clear that the small team of specialist fire investigators within the Metropolitan Police Laboratory needed a guidance document to act as the generic assessment and one was This generated prepared. considerable interest and the FPA approached the author for permission to publish it as a booklet aimed at a much wider audience This was achieved in 1994

SCENE SAFETY MANAGEMENT

The investigator is responsible for determining the hazards at particular scene and assessing the risk involved in ccarrying out the examination. If the risk cannot be reduced to an acceptable level, for example by isolating the hazard or increasing the control measures, the work should not be undertaken. It is important not to become overcautious.

However risks which are a normal consequence of everyday life may be disregarded in the assessment. To perform an adequate risk assessment, the fire investigator must:

- correctly and accurately identify the hazard
- allow for existing control measures
- disregard trivial and inconsequential risks
- determine the likelihood of injury or harm arising
- estimate the severity of the consequences
- obtain sufficient information to enable a decision on further control measures

At the fire scene, the investigator then uses his or her professional judgment as to whether or not taking a specific risk is justified under the prevailing conditions.

A hierarchy of control measures can be considered and/or applied to reduce the risk from a specific hazard:

Prevent exposure to the hazard by discontinuing activity Is this examination likely to provide anything worth the risk?

Substitute a less hazardous activity

If your normal methods lead to danger, can the same information be obtained by other means?

Isolate hazardous areas
Is it really necessary to stand
just there?

Restrict the number of people exposed

Do you really need an audience?

Reduce the time you are exposed to the hazard Why take half an hour over a five minute job?

Use personal protective equipment
Although usually the first line of defence, it is really a last resort - that hard hat won't protect you from everything!

As there is a legal requirement for assessment to be recorded. the investigator must make some comment about the way in which the hazards have been identified and the risks assessed. This may form part of the overall incident notes or may be a separate exercise. Under certain circumstances, where specific uncommon hazards have been identified, it may be advisable to make the record a separate document.

A pro-forma has been developed for this purpose within the author's laboratory. The investigator's employer also has a duty to examine these records, to ensure a consistent and acceptable standard of assessment and to identify any areas where further training is required.

HAZARD IDENTIFICATION

There are far too may potential hazards to list them all. approach which has been found useful especially in training, is consider categories of such inherent. hazard as structural, mechanical, thermal, utilities. firefighting, process/storage, chemical and biological (including asbestos and other particulates) and envirorunental. Examples of these will be given in the second part of the presentation.

Recognition of a hazard may result from information from another person, whether offered or sought, or from inspection by the investigator. It may be necessary to seek specialist advice concerning the nature of the hazards, suitable control measures or seriousness of exposure before the investigator can correctly assess the risk.

It should be noted that each separate person or work group dealing with the scene should undertake their own assessment, as their work activities may be different.

An investigator should never rely on another worker's risk assessment as it may be incomplete or only applicable to one type of operation. However, there is a general duty of care for any person in a work situation to make known to other workers the existence of an identified hazard.

SOURCES OF INFORMATION AND ASSISTANCE

The final decision of the investigator on scene safety is based largely on personal inspection. However, there are several potential sources of information, advice and assistance. Among these are:

- Fire Service officers
- Police / scene of crime examiners
- Utilities (gas, electricity, water etc suppliers)
- Surveyors/structural engineers (local authority or private sector)
- Environmental Health Officers
- Health and Safety Executive staff
- People with special knowledge of plant, process or materials involved
- Company records

If demolition, scaffolding or other works аге to be undertaken to improve the structural stability, important for the investigator to discuss the planned work with the appropriate contractor. It is often possible to carry out such operations with minimal disturbance of or damage to the evidence if the problem is clearly understood by all concerned.

INSPECTION

The most important method of establishing the nature and degree of risk present is by personal examination. Only in this way can the investigator be reasonably sure that all the variables have been considered and that the decisions soundly based. There is no doubt that physical appraisals of this type become easier with experience. apprenticeship" system of training widely used in fire investigation can be effective in allowing this experience to be gained at little risk to the trainee. It is essential that the initial examination takes place from outside the area of major damage wherever possible; a high vantage point can often assist in assessing structural integrity.

CONTROL MEASURES

Once a hazard has been identified, it is often possible to determine a method avoiding or controlling it, or mitigating its effect and thus reducing the risk. Control measures can range from complete avoidance of the hazard (eg walking away from the scene entirely) to such basic precautions as wearing adequate protective clothing. Other important precautions include provision of adequate lighting, consideration ofaccess routes, correct use of and tools the demolition referred to above.

COMMUNICATION

Under UK law, any person who has knowledge of a significant hazard has a duty of care and must disclose that information to any other party likely to be affected. Each of the sources must therefore take steps to ensure that the necessary data are passed on and recorded. This, of course, applies equally to the scientists of the FIU. Normal working practices allow this to be achieved readily. At the conclusion of the scene examination. а preliminary report is prepared and given to the client (normally the investigating police officer). This report gives a brief outline of the initial findings and includes a reference to any significant hazards encountered. This information can then be passed on to persons subsequently concerned with the scene.

CONCLUSION

Familiarity with the hazards encountered in fire scene examination is mainly a matter of experience. However, there are sensible precautions that everyone engaged in such work should take. The risk assessment process for each scene must be adequately documented. Full cooperation between all parties is essential.

EXAMPLES

Some examples of hazards, their associated risks and suitable control measures for various hazard types are given below.

Inherent hazards are often associated with the geography or geometry of the scene; for example, the unguarded roof of a high rise building presents a significant risk of death from falling should the investigator approach the edge. Control measures in this case could include avoiding the roof completely, installing barriers or wearing restraining harness.

mechanical Structural and hazards arising from the effects of fire and heat on construction materials. engineering components etc are probably the single largest group. They are also often the most easily recognised, with gross damage features such as cracked and leaning walls, hanging roof coverings ОГ collapsed steelwork. The associated risks are usually apparent. including materials falling on the investigator, falls from heights or unstable surfaces and puncture injuries. (Unfortunately, this means that other less obvious hazards may not be recognised in the presence if such large scale problems). Control measures may include demolition or provision shoring, of unaffected access routes or use of access aids, and the use of appropriate personal protective equipment (PPE).

Thermal hazards include pockets of remaining fire, hot water and steam and continuing industrial processes. Although the risks can be mitigated to some extent by PPE, it is important to consider the impact of other control measures (such as continued fighting) upon fire the remainder of the investigation.

Utilities, such as electricity, gas and water supplies, present a number of hazards. The risks arising from these include electric shock. explosion. drowning asphyxia. and infection. In most cases, the best control measure is to ensure that the supply is However, there terminated. may be circumstances in which this is not achievable and, in the case of water, quantities may still need to be drained.

Chemical biological and materials, including inhalation hazards. аге not alwavs apparent and information may be a more important part of the risk assessment process. The normal control measure is adequate PPE, but fitness for essential purpose is an consideration.

Environmental hazards include such diverse aspects as the weather, local geography (eg proximity to roads or rail tracks), local flora and fauna and even the attitude of the human population of the area. Risks may change rapidly and the investigator needs to be flexible and adaptable in the provision of control measures.

Letters To The Editor

Dear Dr Stern

The article in the December 1995 issue of "Firepoint", by Senior Constable Paul Bahr of the South Australian Police Service Fire Investigation Section, raised many issues. It was unfortunate that many of the substantial issues he raised appeared to have been clouded by the issue of how to make fire investigation a profession.

One of the main factors which assists to cloud the issue, is the assumption that fire investigation can be a profession, whereas in my view, fire investigation is a process which draws on the expertise and skills of a number of persons some or all of whom may be professional people.

I was surprised to find in his introduction that he was of the opinion that fire investigation was <u>forced</u> to move towards a scientific basis, and to suggest that this was a <u>recent</u> trend.

find particularly T that that he concerning given graduated from the South Australian Police Academy in 1983. By that time, crime scene officers within the S.A. Police Force were being trained by very well qualified professionals of many years experience, with PhDs and Masters Degrees in disciplines ranging from chemistry, geology, engineering and materials science. training programmes were well in place by 1979.

It seems logical to me that those active in fire investigation, as a result of their academic training and expertise, comply with the code of ethics of their specific disciplines, and those who are involved as a result of their experience and their "on the job training", operate within the code of ethics relevant to their activities.

Like Paul Bahr, I find the IAAI code of ethics a well meaning, though a somewhat ambiguous description of a set of moral values. They owe more to the history of the IAAI in America and its American origin, than to an appropriate code of ethics for investigators who are called to give crucial expert witness evidence in court.

The investigation principles described in his article, form a quality assurance, or in more modern jargon Total Quality Management scheme, which is typical of those being implemented in a whole range of government business and instrumentalities in accordance with relevant Australian Standards.

complimentary approach, directed to raising the standards of expert evidence with respect to the cause and origin of fires. may develop out of rumblings currently being heard throughout the Forensic Science community in the UK. As a result of number of а miscarriages of justice, which depended on "inadequate" forensic science input. questioning has begun of the consequences of the oath taken by witnesses before providing evidence in court

How seriously do we take the oath "To tell the truth, the whole truth, and nothing but the tmith" Generally expert witnesses are careful to comply with the first and the last aspect of the oath, but how seriously do we take the "whole truth". One wonders how many civil cases, let alone criminal cases would have had different outcomes if the whole truth had been drawn from all expert witnesses. The aspect of "whole truth" does find a parallel in the last of the articles of the IAAI Code of Ethics quoted by Senior Constable Bahr, in that expert witnesses should see themselves as "a truth seeker, not a case maker".

From my first experience as an expert witness in Adelaide in 1979, to my most recent Court appearance, I am aware that our adversarial legal system does not, by its nature, always ensure that the whole truth, as known by an expert witness, is provided to the Court.

I wish to thank Senior Constable Bahr for firing the first shot in what I expect to be a long debate about the ethics of expert witnesses whether their evidence relates to investigating fires, vehicle accidents, fraud or violent crime.

Yours faithfully,
Terry Casey
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QUEENSLAND NEWS

President Terry Casey has promised to provide a full report on the "Operation Bright Spark" Seminar, held in Brisbane in July, for the next issue of "Firepoint", and we already have some photographs from Zurich Australia to accompany that report. In the meantime, here is an abridged version of comments Terry made to the seminar.

"Operation Bright Spark" has been an unqualified success because of the co-operation it has achieved between the Fire Service, Police Service, Mines and Energy, Insurance Industry, and manufacturers.

In recent weeks I've talked to the President of the Victorian Chapter of the IAAI, who is also the OIC of their Arson Squad, the Victorian ICA Manager, and a private Forensic Consultant. They have expressed great support and surprise at the level of cooperation we have been able to generate, given the indifference they have experienced.

It is appropriate to acknowledge those who have put in very long hours and resources, often or mostly at personal cost, to ensure the success of the exercise.

I'd like to thank the Fire Service for the infrastructure and facilities which allowed the field days to happen, and for funding the production of the video coverage, particularly the time and energy of the Fire Investigation Unit members Tom Dawson, Adrian Barry and Greg Reynolds, fire crews and TAFE students.

Thanks to the Police Service for helping to fund the removal of the house and the invaluable time and efforts of Geoff Nufer. He put in many hours planning the video with our producer Mandy Fletcher, in installation of in-house cameras for live footage and in being chief fire setter. I would also like to thank our agile burglar and sometimes head of the Arson Squad Tony Williams and the team of Police workers

But whilst somewhat submerged in the sea of uniforms, the real hero of "Operation Bright Spark" has been the Department of Mines and Energy who provided the house and a contribution to burial. involvement of key sponsors electrical from the goods manufacturers, Sanyo, Kembla Copper, M & M Cables, Fisher & Paykel and Olex Cables, who put in tens of thousands of dollars in materials, let alone in time. Special thanks for the time and efforts of Alan Faulks and Marty Denham.

We are grateful for the input of our insurer sponsors, Zurich and Suncorp, and the loss adjusters, the Wyatt Group and Cappers Loss Adjusters.

Those in the insurance industry who were indifferent to "Bright Spark" might sit a little less easy in their corporate chairs after our success.

Last and certainly not least, thanks to the committee of the QAFI; thanks for all your hours, grey hairs and ulcers. Thanks especially to Charlie Foley and our Secretary Julianne Foley, and to a recent invaluable find for our committee - our "I'll get it, or I've got a mate who will help", Bernice Norman of Wyatts. We didn't find her; she found us.

Once again thanks to you all. You are all "Bright Sparks" for backing this project.

(Editor's Note: We often hear a lot of talk, but don't often see the result, of "Team Effort"; it's great to see it in action.

Queensland members should also be heartened by the Victorian move (see page 21) to follow on from the Queensland report on appliance fires. That's what a national magazine strives to do; cross-fertilize ideas across our nation, and advance our common aims).

AEROSOL PROPELLANTS

by Wal Stern, University of Technology, Sydney

(This is an article printed in Fire and Arson Investigator in December, 1995, and a summary of the responses received to the article, as published in the June, 1996 issue of Fire and Arson Investigator)

In Sydney we have had a number of incidents (fires or explosions) involving aerosol packs, used to control insects ("cockroach bombs").

These pressure packs have been around for some time. In the case of an insect infestation the recommendation is to close up the dwelling as much as possible, and spray the pressure packs where necessary.

In the past the propellant in these aerosol packs have been chlorofluorocarbons (CFCs). Thev are good propellants, and present no fire danger (in fact, some CFCs are used in fire extinguishers). However, CFCs are now being phased out, as they are believed to be a contributory factor to the depletion of the ozone layer in the upper atmosphere.

Ozone is a nuisance in everyday life (it is one of the causes of rubber gloves perishing, the reason why Aids workers wear double gloves or special gloves), but its presence in the upper atmosphere protects us from harmful ultraviolet radiation, and cuts down on skin cancer. It is believed that CFCs float up into the stratosphere, break down under the influence of ultraviolet light to give chlorine radicals (amongst other things), which react with ozone and destroy it. Hence, we are phasing out our use of CFCs.

So far so good. But what do we replace them with? At least one manufacturer of "cockroach bombs" has replaced those propellants with a mixture of hydrocarbons,

predominantly propane, isobutane and butane. The manufacturer proudly notes on the can that they have replaced the CFCs, for environmental reasons, but they have at the same time produced a fresh hazard. When the current pressure packs are emptied, gaseous hydrocarbons are released and sprayed around. In one house I went to, the owner had sprayed 15 cans at the one time, throughout the length and breadth of the house. This left a large volume of potentially explosive gas floating around the house. Propane, by way of example, has flammability limits of around 2 to 10 percent; that is, any mixture between those limits is potentially explosive, only needing a spark to go off.

Of course in houses, there are lots of sources of flames and sparks. The packs warn, in small print, that refrigerators should be turned off, as well as all flames and pilot lights (e.g. gas heaters). I don't think that's good enough. People don't read the fine print. Furthermore, I believe the electricity would have to be completely turned off at the main to stop sparks; these could occur at any time, at a power outlet, a poor connection or a frayed cord.

The substitution of hydrocarbons for CFCs may help the ozone layer, but it is presenting us with a new danger from the point of view of fires and explosions. In terms of fire, the continued and expanding use of hydrocarbon mixtures as propellants represents an enormous potential for danger. It would be better if hydrocarbon propellants were not used. One solution would be to replace such aerosol packs altogether by other spray methods.

A summary of responses received.

The respondents confirmed the dangers noted, and gave instances of fires and explosions in a variety of different situations, as a result of ignition of the hydrocarbon mixtures.

The potential for disaster from this source was highlighted by a note

from Shalom Tsaroom, Head, Arson Investigation Unit, Israel Police, indicating that aerosol containers holding a mixture of hydrocarbons had been a popular device used by terrorists for the past several years.

A number of respondents gave examples of explosions which occurred when large numbers of insecticides and propellants were released in close proximity to pilot lights, specifically from heaters. It was noted that warnings on labels not read and/or were misunderstood. In the case of the release of multiple cans, each containing around 35% propane, isobutane and butane, near any naked flame or spark, an extremely dangerous situation obviously exists.

There were also a number of cases cited, where the release of three containers had led to a destructive fire. I was concerned at the number and variety of fires reported to me as the result of just one aerosol container, often not an insecticide. For example, there were reports of single containers, one left on top of a kerosene heater, another on a shelf above the gas stove, overheating, venting, and causing an explosion of the propellant gas. One response reported that a single rusted can had leaked, in the vicinity of a naked pilot light, and caused a fire.

The conclusion appears to be that hydrocarbon propellants, even from a single can may cause explosions and fires, if the propellant gases escape or are let out near flames and sparks. Non-ignitable propellant gases are definitely safer, with respect to fires and explosions, and efforts should be made to use environmentally friendly nonignitable propellants. In the meantime, aerosol containers with hydrocarbon propellants must be stored away from sparks, flames, heat and water, and released away from sparks and flames. Warnings on containers need to be large, and simple to understand. In the short term, more fires and explosions of this type are to be expected.

NFPA 921: Where Do We Go From Here?

(Reprinted from the September 1995 issue of "Fire and Arson Investigator")

by Guy E. Burnette, Jr.

1 INTRODUCTION

Since its adoption only three vears ago. NFPA 921 Guide For Fire and Explosion Investigations has become the most controversial document ever created in the field of investigation. application to the field, particularly in the courtroom arena, has left many fire investigators believing monster has been created. Like the creature of Dr. Frankenstein, it has been described as noble a experiment gone awry. While investigation fire community has not yet taken to the streets to storm the NFPA's castle, a substantial number of them feel NFPA 921 has created more problems than it has solved. Many of them have already faced those problems when testifying in court. For those have not encountered NFPA 921 in an adversarial setting, it is only a matter of time.

In the notes to the original 1992 edition of the NFPA 921 it was stated "the committee realizes this first edition is not complete..." and the second edition was recently adopted with an effective date of February 7, 1995. The 1995 edition has many significant additions and revisions which have come out of the intense scrutiny this publication has

generated. As controversial a document as NFPA 921 has already become, it is expected to remain a hotly debated and provocative work for years to come.

2. A TEMPEST IN A TEAPOT?

At first glance, NFPA 921 would not seem destined for controversy. It is the collective product of many of the leading experts in the field of fire investigation and respected forensic scientists which was researched. thoroughly created carefully and thoughtfully developed over vears ofplanning deliberation. It is a "consensus document" represented to be the state of the art in fire investigation. Few would find fault with the scientific premises which underlie NFPA 921. Its conclusions, however, and its application to the field of fire investigation have generated unprecedented controversy. Therein lies the beginning of the problem.

Ironically, NFPA 921 is not a national standard adopted by NFPA. By its very name, it is merely a "guide." In the preamble to NFPA 921 it states it is intended to "assist in improving the fire investigation process" and to "provide guidance that is based on accepted scientific principles or scientific research." In Chapter 1 of the document it notes it is "designed to assist individuals" and "the purpose of this

document is to establish guidelines and a recommended practice," with the recognition that "as every fire and explosion incident is in some way different and unique from any other, this document is not designed to encompass all the necessary components of a complete investigation or analysis of any one case."

In the regulations governing committee projects adopted by the NFPA on December 11, 1993 it defines a "guide" as: A document that is advisory or informative in nature containing only nonmandatory provisions. A guide may contain mandatory statements such as when a guide can be used, but, the document as a whole is not suitable for adoption into law.

Given these precautionary statements and disclaimers, it is difficult to imagine how such a seemingly innocuous document has come to be so controversial. The answer lies in the rigidly scientific and negative tone of NFPA 921, with its ready adaptability to cross-examination techniques in the courtroom.

3. IF EVERYTHING'S WRONG, WHAT'S RIGHT?

NFPA 921 is directed at promoting proper fire scene investigation with scientifically validated methodologies. At the same time, however, much of NFPA 921 imposes a

limitation or rejection of fire scene methodologies which do not have absolute scientific validity and confirmation. This skeptical approach based upon empirical scientific data has been viewed as restricting traditional many of the methods of fire investigation, the even to point condemning some of those practices as unreliable and scientifically unsupportable. A few specific references in NFPA 921 illustrate the point:

A., From Theory to Empirical Fact: Ch. 2. 2-3.5 The term "empirical data" is not defined in NFPA 921. Is it limited to tangible physical evidence obtained at the fire scene? Where a potential "hypothesis" cannot be conclusively eliminated strictly based upon the empirical data and evidence at the fire scene, must the fire he listed as "unknown"? While this approach may never have been intended by the technical committee it is an approach being taken in the courtroom.

В. Whatever Happened to Char Analysis? Ch. 4. 4-5.5 Certainly, there is scientific validity to the opinions expressed in 4-5.5 identifying misconceptions about char. However. virtually anv conclusions about a fire's origin and cause based upon observations of char at the will be considered scene unreliable under NFPA 921. Whether such a limitation of char analysis is appropriate based upon the variables and factors identified has been widely debated.

C. The Death of Spalling as Significant Evidence. Ch. 4, 4-6.1

The significance of spalling in fire scene analysis has been disputed in recent years. It has been scientifically proved there are many variables which can contribute to the occurrence of spalling. For many years. spalling was considered to be virtually conclusive evidence of an accelerant. This was undeniably a misconception. However, the tone of 4-6.1 in condemning spalling as "one of the most misunderstood and improperly used evidential elements" renders the analysis of spalling at a fire scene highly questionable. Anv investigator who testifies about spalling at a fire scene will be confronted with this section of NFPA 921. and will immediately be put in a defensive posture.

D. You Only Thought You Knew About Temperature Determination: Ch. 4. 4-8.1 again, the scientific premise behind this section of NFPA 921 cannot be disputed. For the fire investigator, however. it means any conclusions about a fire's origin cause based upon temperature determination and melting of materials requires the use of a materials scientist or metallurgist and analysis of "the temperature and velocity of the airflow, the geometry and physical properties of the heated item, its proximity to the source of heat, and the amount of heat energy present" necessitating analysis methods far beyond those employed in typical fire scene investigation. Without such scientific confirmation. however, any conclusions drawn by the fire investigator are subject to challenge under this section of NFPA 921.

E. Nothing Is Clear About Glass Ch. 4. 4-13

Observations of window glass in a fire scene have long been used to establish critical information about a fire's origin and cause. The limiting language of this section of NFPA 921 calls into question of the validity anv investigator's conclusions based upon observations of glass. Without empirical data to conclusively establish such factors as "rate of heating. degree of insulation to the edges of the glass provided by glazing, degree of restraint provided by the window frame. history of flame contact, and cooling history" the reliability of any conclusions about the glass will be put in doubt. Opinions of incendiarism based upon soot deposits аге similarly questionable unless the investigator can conclusively eliminate the "incomplete possibility of combustion of wood or other cellulosic materials."

F. Your Case Can Collapse With The Springs: <u>Ch. 4. 4-14</u>

Collapsed furniture springs can no longer be considered significant evidence at a fire scene under NFPA 921 unless the investigator can scientifically establish the "total heat treatment" during the fire.

G. It Only Looks Like Low Level Burning: Ch. 4. 4-16.4.2 One of the classic indicators of an incendiary fire is low level burning. Unquestionably, fall

down (drop down) can cause low level/floor level burning. Under the language of 4-16.4.2, any testimony about low level burning will be characterized as mere "confusion" caused by falldown (drop down). It is a script for cross-examination.

"V" H. The Points to Confusion: Ch. 4. 4-17.1.1 With the stroke of a pen, NFPA 921 has rejected any conclusions about a fire's intensity and the possible use of liquid accelerants based upon "V" patterns. A narrow "V" pattern can be produced flammable liquid bv а accelerant. However, any fire investigator who starts talking about the significance of "V" patterns will immediately be faced with this section of NFPA 921.

I. Does An Inverted Cone Pattern Mean Anything? Ch. 4. 4-17.2.1

NFPA 921 has imposed such limitations on the validity and significance of inverted cone patterns as to make them virtually useless in determining a fire's origin and cause as incendiary. Undoubtedly. many common misconceptions Rather than do abound. distinguish those situations, however. NFPA 921 has chosen to disregard the validity of inverted cone patterns altogether in cases of arson.

J. What pattern? Ch. 4. 4-17.7.2

The observation of "flammable liquid pour patterns" has been described as the hallmark of an incendiary fire. Flammable liquid accelerants will cause a "pour pattern" on a floor or

floor covering in most cases. This classic fire investigation indicator has been diminished under this section of NFPA 921, providing ammunition for the adverse expert and adverse attornev during crossexamination. The "supporting evidence" such as results from a combustible gas indicator. chemical analysis or presence of liquid containers is all too seldom found. Without such "supporting evidence", conclusions based upon observations of burn patterns considered will he unsubstantiated and unreliable.

K. A Trail of Confusion: Ch. 4, 4-18.2

It goes without saying, any conclusion about a "trail" at a fire scene should be based upon the physical evidence. The presence of furniture, stock, counters or storage may well explain what appears to be a "trail." The concept of "wear on floors and the floor covering due to high traffic" is more troubling. Inevitably. true "trailers" are placed in high traffic areas such as hallways, corridors and doorways. At the time of trial, this can provide a convenient explanation for the "trailers" observed at a fire scene.

IV. WHERE DO WE GO FROM HERE?

There is little question NFPA 921 has advanced the field of fire investigation by identifying misconceptions and imposing the requirement of scientific validity and confirmation to any conclusions drawn from the evidence at a fire scene. Fire investigation must be based upon fire science. The

scientific component of fire investigation cannot be diminished.

Unfortunately, the emphasis upon scientific empirical data has resulted in a document which is negative and limiting in its pronouncements. promoting higher scientific standards for the field of fire investigation, has NFPA 921 created impossible standards? Can anything be relied upon has not been which scientifically documented and confirmed in the laboratory? Has fire science become an science under exact mathematical formulas?

The answer, of course, is that it has not. Indeed, NFPA 921 acknowledges the nature of fire investigation is "a complex endeavor involving both art and science" (2-1 Nature of Fire Investigations). Even as this fact is acknowledged, there is a primary emphasis on the scientific component of fire investigation expressed NFPA 921. The emphasis on that scientific component has diminished the role of a fire investigator as "artist." Within the text of NFPA 921, there is scientific challenge every conclusion virtually which can be made about a fire's origin and cause by the investigator.

By itself, this is simply a mandate to employ reliable. scientifically proven methods. In practice, however, it has become much а тоге formidable concern. For all its laudable objectives, NFPA 921 has provided a device which is used against the fire investigator in the courtroom far more often than its intended use as a guide to assist the fire investigator.

The exacting standards of NFPA 921 and its limiting language can be effectively used to challenge the findings of any fire investigator at trial. In criminal arson cases, raising a reasonable doubt under NFPA 921 can be easily accomplished. Within document itself, it is repeatedly noted there may be other explanations and other factors which created the evidence. If there is always a doubt about the meaning and significance of evidence at a fire scene, how

can anything be proved beyond a reasonable doubt? Confronted with the negative tone of NFPA 921, the fire investigator finds himself trying to prove anything has been established with any degree of For the ordinary certainty. citizens sitting as jurors, it can appear the entire process is uncertain and unreliable. reasonable doubt seems inherent.

Where we go from here is a question which will have to be faced by all fire investigators. The pursuit of greater scientific awareness and understanding can never be abandoned. In the

process, the fire investigation field will face a new challenge. Continued research must be encouraged. More importantly, ethical standards must be maintained to ensure new knowledge is not exploited by unscrupulous fire investigators. The threat from NFPA 921 is not the potential for its use, but its misuse. Properly utilised, it will serve to assist fire investigators. Where it is employed as a tool to conceal the truth and defeat its purpose of improving the quality of fire investigation, it is a threat to us all. The challenge must be faced from within.



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- CORROSION & PAINT FAILURES
- REVIEW OF EXPERT REPORTS & EVIDENCE
- GLASS FAILURES & MATERIALS TESTING
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SURFING THE INTERNET FOR FIRE INVESTIGATORS

by Tony Cafe

Traditionally fire investigators have relied on magazines and conferences to communicate their views and opinion. During the last few years the INTERNET has become an increasingly popular means of communication. The appeal of the INTERNET is that there is an inexhaustible amount of information available which can be freely accessed by users from all around the world.

The INTERNET originated in the USA and was designed for defence purposes in the event of a nuclear war. The idea of linking computers together was developed so that if one computer was knocked out by a nuclear strike then the others would take over control of the defence system. The INTERNET is still dominated by the USA and it has allowed middle America to be let off its creative leash so to speak.

To access the INTERNET requires a computer with the appropriate software, a modem to connect the computer to the telephone line and a service provider which is a local computer company who connects your call onto the INTERNET. Once on-line, you can access either newsgroups, the world wide web or you can use electronic mail (e-mail) to send an instant message.

In the USA and recently in Australia, authorities and private fire investigators have established their own world wide web sites which are essentially electronic pages complete with articles, photographs and information. To find a site of interest the user first sends out a search command using key words such as "fire investigation" and will then be supplied with a list of related sites. After finding a site, one can visit other linked sites which are recommended as being of interest. After a short while the user (surfer) finds that

the only effort required to enjoy the INTERNET is to control the computer mouse.

The following is a brief review of some web sites which should be of interest to fire investigators and other members of our organisation.

National Investigative Consultancy
http://www.farpointfx.com/nic

This site is maintained by Joseph M Ellington and is a very good place to start searching for fire investigation sites. Some time ago I received an email from Joe and he indicated he wanted to build a site which was educational rather than a site which was merely a company brochure.

Joe Ellington has built a comprehensive educational resource which includes articles and case files which are well documented with extensive text and photographs. The site also has a list of recent US recall notices and links to other web sites.

National Fire Protection Association of USA -

http://www.wpi.edu/Academics/Depts/Fire/Nfpa/nfpa_h ome.html

This is an extensive site dealing with all aspects of fires. There is a comprehensive section dealing with fire investigation including the full report of the investigation of the Oklahoma bombing.

International Association of Arson Investigators http://www.aurorafire.gov/iaai.htm

The parent organisation for our own IAAI and AFI chapters. At this site is the opportunity to join the IAAI electronically and to buy IAAI merchandise such as

fire investigation publications. The recent winners of their photo competition can be viewed and a list of their forth coming seminars is provided. There is also an opportunity for local chapters to have their own web page of news and events which should be of interest to us. Visitors can leave their e-mail address so they can be immediately notified of any updates of the site.

Blaze Fire Investigation & Consultancy Servicehttp://www.execpc.com/~fireinv/index.html

The proprietor of this company is Robert Leonard and his site features some of his fire photos and his sniffer dog who coincidentally is called Blaze.

Australian Consumers Associationhttp://www.sofcom.com.au/ACA/

Choice magazine is produced by ACA and the value of Choice to fire investigators is that for several years now it has collated recall notices. Now this information is available at the ACA web site which includes a search engine which saves having to search all of the recall notices.

Insurance Claims Investigationhttp://www.pimall.com/nais/bkp.insur.html

This site provides a list of books which can be ordered by e-mail. The titles of some of these are "How to Conduct Investigations & Market Insurance Services" by Neil Argraves, "The Investigation of Motor Vehicle Fires" and "The Investigation of Boat Fires" both by Lee S Cole, "Fire Investigation for Private Investigators" by Charles B Hobson, "How to Win Your Personal Injury Claim" by Attorney Joseph L Mathews and "Guidelines, Formats, Procedures, Forms & Philosophy for Insurance Claims Investigators" by Bill Kizorek & Scott Finger.

NASA Radiative Ignition & Transition to Spread Investigation (RITSI) -

http://zeta.lerc.nasa.gov/expr/ritsi.htm

NASA details an experiment which they have conducted to determine the fire hazards associated with space travel. Some very special equipment called a RITSI Glovebox is shown as well as some interesting photographs of flame spread in the Glovebox. Links to the enormous NASA web site are provided.

<u>Special Agent - Arson Investigator -</u>
http://www.state.ia.us/government/dps/firesa.html

The Iowa Department of Public Safety has a job available for an arson investigator and this site lists the job description, requirements, pay scale (\$US34K-43K) and benefits which include 11 paid holidays per year, 1 sick day per month and 10 days holiday in the first year.

Aircraft Fire Protection Association -

http://members.aol.com/robertposh/private/afp/homepage.htm

Details are provided of a course on offer which provides a basic understanding of combustion theory and the application of this knowledge to aircraft fire protection and mishap/accidental fire pattern investigation. The course runs from 5th-9th August 1996 and is being conducted at Dayton Ohio.

<u>United Kingdom Police & Forensic Web</u>http://www.innotts.co.uk/~mick2me/mainpage.html

This site is currently being constructed and should be of future interest because the UK has produced some excellent fire investigators, some of whom have come to Australia in recent years to address our conferences.

The National Fish & Wildlife Forensics Laboratoryhttp://ash.lab.r1.fws.gov/labweb/for-lab.htm

While the title may suggest this site to be of little interest to fire investigators, it does provide a tour of their forensic lab and access to their quality control manual. The quality control at some of Australia's forensic laboratories has been questioned in recent years and this site is a rare opportunity to see how the US government manage their own forensic laboratories.

<u>Dr Joe Davis Forensic Science Network</u> http://somt.nu.edu/~jdavis/Forensics/Forensicnet.html

There are few people of Dr Joe's calibre - they are rare indeed and provide true inspiration to us all. This is one of the most extensive web sites encountered and provides articles and links in all aspects of forensic science. Dr Joe's site includes photographs of himself hovering over some skeletal remains in the field just to prove he really does do this type of work.

Firenet-

http://www.anu.edu.au/Forestry/fire/firenet.html

This is an Australian site which is based at the Australian National University. It concentrates on bush fires, fuel loads and the fighting of bush fires and has a wide range of international links which deal with all aspects of bush fires management. There are listings of computer software which deal with bush fires.

<u>Current NSW Fire Status-</u> http://www.netwit.net.au/~bushfire/firensw.htm

This site list the current status of fires throughout the regions of NSW. At the time of viewing the last update was 28th January 1996 and lists there were no on going fires throughout NSW. Shows what a little rain will do.

Bushfire - http://www.netwit.net.au/~bushfire/

A site from Mudgee NSW which again deals with bush fires and is maintained by John Travers & Associates - Bushfire Protection Planning and Bushfire Management Consultants. One of its feature links is the Complete 1994 Coronial Enquiry into the NSW bush fires.

Newsgroups are sites where people can read and lodge messages related to a particular topic. There are few available which could be of interest to fire investigators. There is a group available called "alt private investigator" where investigators mostly from the USA discuss topical issues.

The number of web sites is growing rapidly as more and more people have access to software which enables them to construct their own web pages. Once your own web site is established then in will come the e-mail from people who have visited your site and wish to send either a warm cheerio or a job application or they are curious people who are fascinated by the world of fire investigation.

I have received some interesting e-mail from people all around the world, some who have been unhappy with the outcome of an investigation of a fire which they were associated with. One lady in Canada wanted me to solve a mobile home fire by giving me the clues through e-mail. It's an interesting way of investigating fires but I declined from taking on the job (the money was lousy). Another e-mail of note was from "Dr Terry Polevoy - The Tobacco Terminator" and the e-mail was titled "Mothers Who Kill Children". I'll share his letter with you and if anyone would like to reply I'll gladly supply his e-mail address.

"Three separate fatal fires have occurred in our area over the last 2 years. The pattern is this: single mothers, estranged from boyfriends, recently moved, multiple fathers, 8 dead in the three fires. Mother had possession of weapon (cigarette lighter), and the actual event was always blamed on 2 or three year old playing with same. Possible, probable or a bunch of garbage.

The blame in all cases have been cigarette lighters. No one believes it was anything but an accident. No one wants to call a coroner's inquest. We have screamed until we are blue in the face.

How does one prove intent? How does one convince the government agencies to get involved?

Is there anyone you can think of who might be able to shed light on parents who kill their kids, and conveniently blame the cigarette lighter. Oh yes, no one ever has a working smoke alarm, even when apartments and town houses are owned by the city, or county, and should have had them installed and working before renting out the home.

Help is appreciated. Terry Polevoy".

Retirement of Alan Easy

"The retirement of Superintendent Alan Easy will be a great loss to the NSW Fire Brigades, and to the FIU in particular" NSW Fire Brigades Commissioner Ian MacDougall, AC said when he farewelled Alan at a special dinner held in Sydney on July 17, 1996.

Alan's history with the NSW Fire Brigade spans in excess of 36 years. Beginning with his appointment to the Brigade on 1 April 1960, Alan progressed through the ranks, attaining Station Officer rank on 17 May 1974, District Officer 4 December 1978, with final progression to his present rank of Superintendent 31 January 1992, when he was appointed Officer in Charge of the FIU, a position he held until his retirement.

"Alan played an integral part in the formation of the FIU in 1987, when selected as one of the original staff. He has displayed extreme dedication to the public of NSW in his efforts to serve them by taking the name of the NSW Fire Brigades FIU to the point where it enjoys a highly renowned reputation in the Fire Investigation fraternity, worldwide," Commissioner MacDougall AC said.

Alan served at City of Sydney, the Rocks, Willoughby, Crows Nest, Forestville, Fire Prevention and the FIU, as

well as many other stations during periods as a relieving officer.

In 1981 he was awarded the National medal for service in the NSW Fire Brigades. Further recognition of the dedication displayed by Alan was the awarding of the Australian Fire Service Medal, A.F.S.M. in the June 1996 Honours List. This was an honour most deserved.

During his time in the FIU, Alan pursued many fire safety issues, including problems with flexible ducting, tilt-slab concrete construction, as well as being instrumental in highlighting the community benefits for smoke alarms in homes.

The IAAI has also benefited from Alan's participation in fire investigation. He was a NSW committee member for some years in the late 80's and early 90's, always providing a steady influence on the direction of the association.

This is but a brief overview of a fine officer highly respected by all those who have had the pleasure to know and work with him.

All the officers in the FIU wish Alan and his wife Jenny a very pleasant and happy retirement.

Roger Bucholtz

(Editor's Note: Those seeking information from the FIU, will have always found Alan extremely helpful, cheerful, considerate and generous with his time. Thanks for all your help, and best wishes for many happy, healthy years ahead)

" ADJUSTING QUEENSTOWN '96 "

16-18 OCTOBER, 1996

Presented by the International Institute of Loss Adjusters, and Institute Loss Adjusters New Zealand Inc (Auckland) this seminar presents an excelent education program featuring renowned speakers. Enquiries & registrations to P.O. Box 2148, Auckland, New Zealand.

VICTORIAN NEWS

Membership

The membership of the Chapter has now exceeded 200 and has extended to Tasmania. The committee welcomes the following new members to the Victorian Chapter:

Lawrence CULLEN
Lionel WILLIAMS
Jeffrey HARPER
Gavin FREEMAN
Roger WHITTLE
Christopher ARNOL
Richard BOOKER
David PATTON
David NESTER
Andrew MILES
Francis PERCIVAL
David MCTAGGART
Marcus PORTER

All members should be aware that fees for the Victorian Chapter for 96/97 were due 1st July, and that final payments will be accepted till 30th September.

Computer Crime

A breakfast meeting was held on Wednesday 26th June at the All Seasons Swanson Hotel in Swanson Walk having 56 attendees. Detective Senior Sergeant David Thompson, Officer in Charge of the Computer Crime Squad Victoria discussed Computer Police, Crime Investigation, giving an overview of the reasons, new forms of crime, legal jurisdiction and evidence collection.

An important part of computers understand was to the environment of computers. including networking and the which Internet as shown presents many areas of concern. Although not directly involved arson investigation. computers have a direct impact on our work and the lessons and concerns displayed has given us appreciation grater computer crime. The Committee wishes to thank David for his presentation, and those who attended.

Annual General Meeting

The AGM of the Victorian Chapter was held on Wednesday 24th July at Bell's Hotel, Moray Street, South Melbourne. There were 34 members in attendance. Scott Staunton guided the proceedings with the presentation of Minutes and Reports from the President and Treasurer. Elections were held and the following were elected:

Vice President Brian NEAL
Secretary Terry McCABE
Committee Gerry NEALON
Bob HETHERINGTON
John KELLEHER
Scott STAUNTON

The Committee thanks the Returning Officer Colin Brockwell and Colin Cortous for their assistance, and thanks those members who nominated for the committee positions but were unsuccessful.

A vote of thanks to those retiring from the Committee, being Tony MacKintosh, Dennis Trafford, Jeff Buzacott and Trevor Pillinger.

AGM Presentation

Mr Sal Penna, National Group Manager, Security and Investigation Service for Australia Post presented an entertaining and interesting illustration of "Enforcement and Investigation, The Lighter Side" from his library of anecdotes. Sal also included some of his experiences from his days with the Victoria Police and some of the members present. Many thanks to Sal for his humorous presentation.

IAAI Committee for 96/97

Following the elections at the AGM the Victoria Chapter Committee is:

President Adrian Edwards
Victoria Police
Vice President Brian Neal CFA
Secretary Terry McCabe NZI
Treasurer Peter Hawkins Robins
Legal Officer Scott Staunton Solicitor
Admin. Officer Phil Harris

Committee Alex Conway MFB
Neil Barnes CFA
Colin Cortous Victoria Police
Rob Mitchelson ICA
John Kelleher SFSB
Bob Hetherington MFB
Gerry Nealon Fire Invest. Services

Services

Do not hesitate to contact Committee members to raise your concerns or to offer your assistance for your Chapter.

Committee News

This is a brief report on items your committee are currently handling and gives you the opportunity to make comments or assist in an area that you may be interested.

the amount of Due to information and contact nationally available and internationally, the committee is considering linking to thus providing Internet. service to the membership and other agencies to contact us world wide.

The Chapter was presented with a Certificate of Appreciation from the Royal Children's Hospital Child Safety Section for support given.

Due to the support and favourable reports following the breakfast meeting the committee will program a future one, possibly in the new year.

Gerry Nealon nominated by the committee to attend the NSW Conference 25-26 July "Arson 96: A Practical Approach", and to report back to the committee.

With both NSW and Qld. changing their identity by removing the "Arson" and replacing with "Fire" and

forming the Australian Association of Fire Investigators (AAFI), the committee is considering the Victorian Chapter's identity together with International assistance, aims and objectives of the IAAI. Anyone with comments contact Adrian Edwards.

Prompted by the article in the 1996 "Firepoint". June. Oueensland Report. Special Meeting on Appliance and Equipment Fires. which highlights the limitations and inaccuracies of reports of such committee fires. the considering the problem and how to rectify it nationally. Identified appliances are causing fires and such fires are on the increase.

International IAAI AGM and Seminar 1997

Although the International Seminar was only held last May, anyone considering going to the 48th Seminar to be held 11-16 May 1997 at Toronto, Canada should contact the committee for details and information. Theme of the seminar is "The Team Approach" and now is the time to start planning.

Advertising in "Firepoint"

"Firepoint" is a national magazine which has space available for advertising. Any advertisement placed provides funds to our committee. Anyone interested in advertising

contact the Editor, Wal Stern, on 02 9514 1743.

Program of Events 1996/97

September

Presentation at Shepparton.
Roles and responsibilities of investigative organisations.
Details to be advised.

October

Wednesday 2nd and Thursday
3rd October, 1996.
1996 Chapter Seminar.
"DEALING WITH
DISASTER"
At Chaucers of Canterbury
Canterbury Road, Canterbury
Local & Overseas Presenters
Seminar Dinner Wednesday
Evening
Brochures available from
03 9865 5130

November
Golf Day & Social
End of year. Details to follow.

February
Breakfast meeting planned

Fifth International Symposium on Fire Safety Science.

Papers and posters are now called for the above conference, to be held in Melbourne, 3-7 March, 1997. For further information contact:

Waldron Smith Management 93 Victoria Ave. Albert Park Victoria 3207

NEW SOUTH WALES NEWS

NSW PRESIDENT'S REPORT

(From the desk of the newly elected President, Ross Blowers)

Welcome to another edition of "Firepoint", OUR magazine for the members of IAAI and AFI.

As of Thursday July 25, 1996, I was elected the President of the NSW AFI. Taking over the reigns from Roger Bucholtz will not be an easy task. During his term as President of the NSW AFI, Roger was instrumental in turning around the lack lustre financial performance of the Association; we now find ourselves on solid ground. Roger was a tireless and unselfish leader and not seeing him at the helm is indeed unfortunate. Roger intends to attend Committee meetings and offer his support and guidance; something I know I will be calling on over my term in the Chair.

The NSW AFI 1996-1997 Committee comprises some old faces with a wealth of experience. We are also fortunate to see some fresh faces on the Committee. Through a combination of new and old we ought to see many new ideas coming forward. However, your Committee is looking for input and novel ideas from the Membership. The Association needs to know your thoughts on development and presentation of training for the future. We look forward to learning and understanding your needs. With this information we will be in an extremely good position to provide the topics, presenters and curriculum you require to assist in your professional development. Your Professional Development translates into Professionalism and Credibility of the NSW AFI. It is essential we work together.

The two day conference held over 25-26 July, 1996, was an outstanding success. A great deal of work and commitment was exhibited by the Organising Committee. To them we owe a great deal of thanks. The international speakers, Jim Munday and Bill Davis provided extremely good insight into the problems exhibited in the United Kingdom and

USA. Through their presentations we were able to understand some of the technologies practiced overseas. One issue that was hammered home was that of ATTITUDE. The Police, Fire Service and Insurance Industry abroad exhibit a somewhat more positive multilateral emphasis on fire investigation. This multilateral emphasis is then pushed down to the general public, calling on their assistance in the fight against incendiary fires. Perhaps we should give some consideration to developing this awareness in our community. Colin Thomas from Australia provided an overview of the ad hoc approach practiced in Australia.

The Photo Competition was a success with many marvelous entries. Congratulations to Ross Brogan and Greg Kelly, who were winners in their respective categories. Keep up the good work.

Your committee will be setting a Financial Budget for the coming year. This will provide a focus for resources and attention so that we are able to provide the services you require.

Your committee is focussed on education and we will continue to strive for and provide the most up to date information available.

I would like to encourage any member who has any criticism, comment or suggestions regarding the direction of the NSW AFI, or matters that would be of interest to the Association members to voice your concerns and or thoughts. Please direct all correspondence to the Editor of "Firepoint". Healthy debate is always worthwhile. Your Committee will take each and every issue seriously and give due consideration to all matters.

I look forward to serving as your NSW AFI President for the 1996-1997 period. Through the valued assistance of Mitch Parrish (SVP), Barbara Bailey (JVP), Rob Mooy (SECRETARY), Trent Tosh (TREASURER) and the Executive, we look forward to serving you in the future.