

**DEPARTMENT OF FIRE AND EMERGENCY SERVICES —
VOLUNTEERS — CODE OF CONDUCT**

Standing Orders Suspension — Motion

MR D.T. REDMAN (Warren–Blackwood) [3.09 pm] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —

That this house condemns the Minister for Emergency Services for once again seeking to gag emergency service volunteers, this time extending his control to local government bush fire brigades.

Mr R.H. Cook interjected.

Mr D.T. REDMAN: Not from the National Party's point of view, Deputy Premier.

It is my understanding that an agreement has been made with the government to allow government members and non-government 10 minutes for the debate. I look forward to the Leader of the House giving us his support.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.10 pm]: I am happy to support the motion. The National Party is an unusual group. National Party members have been beaver away and hatching their plan. They gave the government a notice of motion to suspend standing orders hours before question time, before they had even asked the question that, depending on the answer, was going to trigger the motion to suspend standing orders. I move —

To insert after "forthwith" —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The DEPUTY SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need an absolute majority to proceed. If I hear a dissentient voice, I will be required to divide the Assembly. I have counted the Assembly and satisfied myself that an absolute majority is present and I declare the motion carried.

Question put and passed with an absolute majority.

Motion

MR D.T. REDMAN (Warren–Blackwood) [3.11 pm]: I move the motion.

There are three pillars to the argument that I will put forward in support of this motion. The first one relates to the responses to questions that the minister has given in this house, including some questions on notice, in which he has sought to mandate a code of conduct for Department of Fire and Emergency Services volunteers, which includes those with the State Emergency Service, the WA Volunteer Fire and Rescue Services Association and, of course, the DFES bush fire brigades. I asked a question about this issue to get some clarity about exactly what the minister is trying to gag. For the benefit of the house, I will highlight what that is.

The code of conduct states that volunteers must not talk to a member of Parliament about department business. Exactly what is department business? I can confirm from questions on notice that volunteers are not allowed to talk to members of Parliament about facility upgrades, safety issues, the organisational culture within the workplace when they respond to events, the organisation structures that are involved in responding to fires et cetera, bullying matters, the emergency services levy and any government funding of emergency services because they all fall under the catchall of department business.

The minister confirmed that in question on notice 6333, which was asked on 11 August. That does not leave a lot of topics about which to talk to members of Parliament. The minister said that the shire volunteers who come under local government have nothing to do with him. However, in response to the question I asked on Tuesday, 23 June, the minister said —

When it comes to anybody, whether politicians or not, going along and talking to bush fire brigade volunteers who are covered by local government, that has nothing to do with me.

That is what he repeated today, and I will get back to that soon. We also know that the minister's office has made a complaint to the ABC about its reporting of this issue. It seems to think that there has been unfair reporting on

Extract from Hansard

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Mr Terry Redman; Mr David Templeman; Mr Shane Love; Hon Fran Logan

volunteers not being able to talk to members of Parliament about facilities, safety, workplace culture, bullying, funding et cetera. It is not happy about the ABC's running commentary on this issue.

I refer to a request for information from the Department of Fire and Emergency Services titled "Personnel Roster Management System", for which the closing time was 2.30 pm on 18 September 2020. I am sure the minister will explain what a request for information is. Page 3 of the request for information states —

DFES currently operates a rostering system across all personnel (approx. 2400 staff).

Respondents should note that:

- Due to future changes to legislation all volunteer personnel will be required to use the rostering system (approx. 25,000 volunteers)

The minister has signalled to 25 000 volunteers that at some point in time, subject to legislative change, they will be on a DFES roster. Again, the government is exerting its influence over the volunteers. This is a command-and-control-type strategy that the government is trying to exert over volunteers in this state.

I come to today's question. Agreements are in place between the various volunteer organisations and DFES. I have here a copy of a letter headed "Deed of Extension—Grant Agreement" to the president of the Association of Volunteer Bush Fire Brigades WA Inc, Mr Dave Gossage, which is signed by Darren Klemm, the Fire and Emergency Services Commissioner. One of the paragraphs states —

Please note the Deed of Extension also includes some variations to the Schedules in the Principal Agreement, including ...

Bear in mind, this is to the local government brigades. This is not the SES or the mob that come under DFES. This covers the brigades that the minister said he has nothing to do with. It states —

Please note the Deed of Extension also includes some variations to the Schedules in the Principal Agreement, including: —

It has three dot points. The second one states —

- a new requirement for the Association to establish a code of conduct ...

As part of the money that DFES is giving them, it will require that they have a code of conduct. That is a fair request. In addition —

- the Association to communicate to its members and comply with that Code of Conduct.

There is a code-of-conduct requirement if they want to get the money. A paragraph further down in the letter states —

Each association is prescribed to represent the volunteers and as a result of the grant agreement there is an implied link between your Association and DFES.

In other words, "We fund you and we have some control." The letter continues —

Therefore, the Association has a responsibility to ensure the reputation of the volunteers and the State Government is held in the highest esteem at all times.

That is code for "Be nice to us or we'll take away your funding." Further down the letter states —

I trust you share our commitment to integrity and ethical business practices, —

I have no problem with that —

and I ask you to provide my office with a copy of your Association's Code of Conduct for my consideration ...

Not so that he can sign it and put it in the cupboard, but for his consideration. Today I directly asked the Minister for Emergency Services whether there is an expectation that DFES will have consideration over a code of conduct and he knew nothing about it. During question time today, he came up short about the letter from his commissioner to the local government brigades that says, "You will have code of conduct. You will require your members to adhere to that code of conduct" which is code for "We're going to take your money away if you don't; and, by the way, when you send it in, I'm going to give it my consideration." This is a DFES-endorsed code of conduct for local government brigades. The minister is extending his tentacles into the local government brigades, which he said he had nothing to do with.

In conclusion, DFES volunteers are not allowed to talk to members of Parliament. The minister is lining them up to be on a personnel roster, including the full 25 000 volunteers in the state, and now he is forcing local government volunteers to sign up to a code of conduct. I remind the minister that Euan Ferguson said in his report —

Of particular concern were many reports that the current arrangements are failing the cornerstone of rural fire management in Western Australia: the Bush Fire Brigade volunteers.

He is heading down the path of starting to threaten that relationship. We have a plan B: if the minister wants to stick to his guns and he wants to force them not to be able to talk to members of Parliament, we have something that kills a couple of birds with one stone. We have these COVID-19 masks so that if one of my constituents wants to protect themselves from COVID, they can use one of these masks. If they want to raise an issue about funding, here is a way they can do it without talking. They can put on a mask that has “funding” written on the front and raise their issues without saying a word. If they want to raise an issue about bullying, they can put on the mask that has “bullying” written on it, protect themselves from COVID and, of course, raise the issue they want to raise without fear of reprisal from the Minister for Emergency Services. If they want to raise an issue about safety, here is another way of doing it: they can put on a COVID mask. There is a plan B. We require volunteers to protect themselves from COVID and, of course, that is a way of protecting themselves from this minister.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [3.21 pm]: I have about 30 seconds. We heard again today the minister outline that personnel from the Department of Fire and Emergency Services, the State Emergency Service and Marine Rescue Western Australia come under the umbrella of the Department of Fire and Emergency Services but that bush fire brigades do not. Clearly, this minister is clueless. He does not understand that his commissioner is dragging those people under his control. He is forcing them to sign up to a DFES-endorsed code of conduct. That is what this letter says. It does not ask just for a code of conduct; it asks for the code of conduct to be sent to him for his consideration. It says further that a DFES-endorsed code of conduct would provide further support to associations. He is asking for that code of conduct to be one that he endorses; it comes under his umbrella. The Minister for Emergency Services is misleading the house when he says that volunteer bush fire brigades will not come under the umbrella of DFES.

MR F.M. LOGAN (Cockburn — Minister for Emergency Services) [3.22 pm]: Members should take their minds back to question time and the position put by the member for Warren–Blackwood when he talked about funding that is given on a regular basis to the associations: the Western Australian bush fire brigades, the Association of Volunteer Bush Fire Brigades of WA, the State Emergency Service and the Volunteer Fire and Rescue Service et cetera. He linked the funding to help keep those bodies going to the code of conduct that he has been in this house jumping up and down about. That is what he did. The member for Warren–Blackwood linked it to the code of conduct, to which I have referred him, not only in today’s question time, but also in previous question times. The Public Sector Commissioner required all directors general to ensure that their workplaces had codes of conduct in place. The letter to which the member refers talks about a completely different code of conduct. It is a different code. It is not the one he has been coming in here crying about, which is an obligation.

Mr D.T. Redman interjected.

Mr F.M. LOGAN: Madam Deputy Speaker, I heard the member for Warren–Blackwood in silence. It is not the same as the code of conduct he has been coming in here bleating about, which is the requirement on the director general to ensure a code of conduct is in place for his workplace and all employees and volunteers who are deemed employees under that code of conduct. It is a completely different code of conduct.

Mr D.T. Redman interjected.

Mr F.M. LOGAN: The member for Warren–Blackwood should just listen to me. Those associations are funded from emergency services levy money. I question whether that is appropriate because the emergency services levy money is supposed to be spent on emergency services—the actual delivery of services on the ground and equipment and people. This is the money going to their associations. I do not have a problem with it.

Mr D.T. Redman interjected.

Mr F.M. LOGAN: I listened to the member in silence.

I do not have a problem with it; it has been done for many years and I am not going to interfere. The requirement on the commissioner is to ensure that the expenditure of ratepayers’ money through the ESL is accounted for and includes a code of conduct. Every other association has a code of conduct in place for their own employees. The only thing the member is referring to is the requirement of the AVBFB to do exactly what the other associations are doing now, because it employs people. It is the use of our money, state government money, to them that is the requirement for them to have their code of conduct in place. Is that a problem? No. It is not a problem. The reason it is not a problem is that once again the member for Warren–Blackwood has his facts wrong.

I turn to the second point he raised about the rostering system. I honestly do not understand why people such as the member for Warren–Blackwood, who wants to talk about emergency services in here, does not follow the legislation more carefully. I refer him to the Work Health and Safety Bill 2019, which is currently before the Legislative Council. It will be a major change for volunteers in Western Australia. Clause 7(1) states —

Meaning of worker

- (1) A person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking, including work as —

...

- (h) a volunteer; or

That has not happened before. Clause 8(2) under “Meaning of workplace” states that “place” includes a vehicle, vessel, aircraft or other mobile structure. These are the things the volunteers go around in. This is the first time in Western Australian history that the volunteers are covered by a workplace health and safety provision under an act of Parliament. What is required as part of implementing that is that anybody who is on the fireground, regardless of which association they are from or which colour uniform they are wearing, has got to register, otherwise they are not covered by the workplace health and safety legislation, they are not covered by insurance, and they are not covered particularly by these provisions of the workplace health and safety legislation.

Point of Order

Mr D.T. REDMAN: The minister did this the other day. He goes off and answers an entirely different question rather than sticking to what the motion is asking for. This relates to code of conduct and the requirement that DFES needs to consider that code of conduct in his deliberations.

The DEPUTY SPEAKER (Ms L.L. Baker): Minister, just keep to the motion—continue.

Mr F.M. LOGAN: Madam Deputy Speaker, the member for Warren–Blackwood raised the rostering system as part of his submission to this house. I am addressing it. If he does not want me to address it, I will not.

The DEPUTY SPEAKER: Yes, continue.

Debate Resumed

Mr F.M. LOGAN: If he does not want to hear the truth—he raised it—I will not talk about it.

The DEPUTY SPEAKER: Minister, just continue on.

Mr F.M. LOGAN: I am trying to address this man’s propositions and claims about the rostering system. He is the one who raised it. This is why this is being done. The rostering system must be done to conform with the new act. That is for the extension and protection of workplace health and safety for volunteers for the first time in Western Australia, and the member is criticising it. Come on! I will tell the volunteers what he is doing if he wants to criticise it. I will tell them. For the first time in Western Australian history they will be covered by occupational health and safety provisions and the member wants to undermine that. It is a disgrace. Does he know why he is raising it? It is because his friend he has been talking to, Mr Darren Brown, has his own app that is an alternative rostering system that he is pushing and the member is falling for it. That app has security issues. It has been analysed by the department and there is a series of problems with it. That app does not link into the departmental system. It has security issues, as far as the department is concerned, and it has a relationship with commercial interests, which we do not want to be involved in.

The issue is very clear: the code of conduct that the member for Warren–Blackwood is referring to relates to the funding given to the Association of Volunteer Bush Fire Brigades WA and requires the AVBFB to prepare a code of conduct only for that organisation, not the Department of Fire and Emergency Services’ code of conduct—that organisation and its employees and exactly —

Mr D.T. Redman: Does DFES need to endorse it?

Mr F.M. LOGAN: Of course. It is a release of taxpayers’ money. That is what the commissioner is required to do. I put it to the member —

Mr D.T. Redman interjected.

Mr F.M. LOGAN: Madam Deputy Speaker, I did not interject on him.

The DEPUTY SPEAKER: Please stop interjecting, member for Warren–Blackwood.

Mr F.M. LOGAN: I put to the member that that code of conduct is a requirement by the commissioner for the release of the funding. If the commissioner did not do that, we would have the Auditor General all over us—quite rightly—because it is for the release of public funds. There is a requirement on the commissioner, which I have told the member over and again, that comes from the Public Sector Commissioner to ensure that those codes of conduct are in place for all employees. That means all the associations and their employees. That is exactly what is happening. The member for Warren–Blackwood is jumping at shadows. He is doing it because he thinks he can get media out of it. It is a disgrace. Raising this issue about the rostering system, without really understanding it, is simply

a disgrace. In terms of the DFES code of conduct, I repeat what I said here during question time: I have travelled over 91 000 kilometres in regional Western Australia in just over three and a half years. That is a lot more than the member has.

Mr R.S. Love: I do that every year!

Mr F.M. LOGAN: Yeah, yeah, yeah—a lot more than you have! That was backwards and forwards to Parliament House! I am talking about across the whole of Western Australia. I am talking about reaching out to as many of those volunteers, whether from a volunteer fire brigade, a bush fire brigade, the WA Volunteer Fire and Rescue Services Association, the State Emergency Service or marine rescue —

Mr R.S. Love interjected.

Mr F.M. LOGAN: Me—going out to them, talking to them and asking them questions, member for Moore, about whether they have a problem with the code of conduct.

I will quote Mr Paul du Boulay, the head of the WA Volunteer Fire and Rescue Services Association. He said —
I've been a member ... for 38 years ... It's not made any difference to me.

Point of Order

Mr D.T. REDMAN: The minister's time has run out, so I think the Deputy Speaker needs to sit him down.

The DEPUTY SPEAKER: I certainly was about to, member. Thank you very much for that advice.

Division

Question put and a division taken, the Deputy Speaker casting her vote with the noes, with the following result —

Ayes (15)

Mr I.C. Blayney
Mrs L.M. Harvey
Mrs A.K. Hayden
Dr D.J. Honey

Mr P.A. Katsambanis
Mr S.K. L'Estrange
Mr R.S. Love
Mr J.E. McGrath

Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder
Mr K.M. O'Donnell

Mr D.T. Redman
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Noes (31)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton

Mr T.J. Healy
Mr W.J. Johnston
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai

Mr P. Papalia
Mr S.J. Price
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms C.M. Rowe
Ms R. Saffioti
Ms A. Sanderson

Ms J.J. Shaw
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Pairs

Mr W.R. Marmion
Mr Z.R.F. Kirkup
Mr V.A. Catania
Ms M.J. Davies

Mr D.J. Kelly
Mr M.P. Murray
Mr D.T. Punch
Mrs J.M.C. Stojkovski

Question thus negatived.