

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

BUSHFIRE PREPAREDNESS 2016–17

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 16 NOVEMBER 2016**

SESSION ONE

Members

**Ms M.M. Quirk (Chair)
Dr A.D. Buti (Deputy Chair)
Mr C.D. Hatton
Ms L. Mettam
Mr M.P. Murray**

Hearing commenced at 10.03 am

Mr GARY DREIBERGS

Deputy Commissioner, Specialist Services, Western Australia Police, examined:

Ms KYLIE MAREE WHITELEY

Acting Assistant Commissioner, Western Australia Police, examined:

Mr CRAIG DONALDSON

Commander, Counterterrorism and Emergency Response, Western Australia Police examined:

Mr ROBERT HORRIDGE

Senior Adviser, Western Australia Police, examined:

The CHAIR: Good morning. Thank you for coming in today. I have a preliminary statement to make. We will permit the media to be in here during that time and then we will commence with some questions.

On behalf of the Community Development and Justice Standing Committee, I would like to thank you for your interest and appearance before us today. One of the functions of the committee is to review the departments within its portfolio responsibilities, and from time to time the committee will conduct agency review hearings. The purpose of today's hearing is to discuss preparations for the 2016–17 bushfire season. I am Margaret Quirk, member for Girrawheen. On my right is the deputy chair, Dr Tony Buti, member for Armadale. On my left are Ms Libby Mettam, member for Vasse, and Mr Chris Hatton, member for Balcatta. We will be joined shortly by Mr Mick Murray, member for Collie–Preston. The Community Development and Justice Standing Committee is a committee of the Legislative Assembly of the Parliament of Western Australia. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing and Hansard will be making a transcript of the proceedings for the public record. If you refer to any document during your evidence, it would assist Hansard if you could provide the full title for the record. Similarly, if you refer to any acronyms, I would be pleased if you could explain them for the benefit of Hansard.

Before we proceed today, I need to ask you the following questions: have you completed the “Details of Witness” form?

The Witnesses: Yes.

The CHAIR: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

The Witnesses: Yes.

The CHAIR: Did you receive and read the information for witnesses briefing sheet?

The Witnesses: Yes.

The CHAIR: Do you have any questions in relation to being a witness at today's hearing?

The Witnesses: No.

The CHAIR: Before we proceed to further questions, Mr Dreiberger, would you like to make an opening statement to this hearing?

Mr Dreiberger: No, thank you. We are happy to just respond.

The CHAIR: As you are aware, police and emergency services come within the portfolio of this committee and we would like to ask you some questions in relation to this year's bushfire season and the role that police take in traffic management. Perhaps you could outline for us to start with—this has been an ongoing issue for many years—what input WA Police has to traffic management and what particular issues arise in that context?

Mr Dreiberger: I can speak very quickly to say that relative to traffic management, the incident controller ultimately is the person in charge of traffic management during an emergency management incident. WA Police prepare our officers for any role that they need to undertake in that space. I am more than happy for Commander Donaldson to speak to the roles we have done in terms of preparedness this year and preparedness in previous years.

Mr Donaldson: It is important to note that we act and align ourselves to the state emergency management policy, which is the traffic management guide for emergencies and articulates what our roles and responsibilities are. The hazard management agency is —

The CHAIR: Can I just hold this up? Is that it?

Mr Donaldson: Correct.

The CHAIR: It is the "Traffic Management During Emergencies Guideline 2015", prepared by the State Emergency Management Committee.

Mr Donaldson: For clarity, for fire, the Department of Fire and Emergency Services and the Department of Parks and Wildlife are generally the hazard management agencies, so they are in charge and have the authority for all things fire. WA Police is a combat agency, so that means we have specific functions for a bushfire incident. One of those key functions is called traffic management, but if we articulate that down into our roles, it is the requirement to operate vehicle control points. Vehicle control points are activated in an interim measure. If we take, for example, the Waroona fire last year, the activation was through a phone call for an evacuation around Alcoa and we were asked to do an interim vehicle control point, right through to an endorsed vehicle control point where the incident controller has signed off on a traffic management plan. There are two quite separate issues there. One is interim initial, because it is high risk. The second is when there has been some management and planning around it, and we have a role to play there.

In relation to positioning WA Police, our first and foremost principle, which is aligned to the policy, is safety. The objective for our officers for vehicle control points is based on safety first and foremost; that is, formulating a vehicle control point. That is when you may see a vehicle across the road, a police officer next to it; or, if available, some signage and barriers. The purpose of that is to enable ingress and egress of first responders for the sake of fighting fires, casualty and evacuation if need be. The second part is to ensure that there are detours and bypasses around that incident and for us, in particular, or the contractors to control driver behaviour around the incident. In essence they are the four key objectives for vehicle control points. There are, which I can explain if you wish me to, command and control arrangements around that, but if we are focusing on the actual role of police, that is pretty much it in a nutshell for vehicle control points.

[10.10 am]

The CHAIR: Perhaps you can outline the command and control mechanisms.

Mr Donaldson: Okay, and I can probably relate it to the Waroona fire in how that is built together. The hazard management agency nominates an incident controller. We then form part of a forward command. In Waroona we had on the oval people in a truck, which was our forward command. Within the incident management team, which is DFES-led, in the forward command there are

people who are trained to do certain roles. One of those roles is traffic management planning. We will contribute in a unified command approach to bring our expertise to ensure that any traffic management plan addresses the safety of our officers and those other three objectives of traffic management within the state policy. However, the ultimate authority is with the incident controller and the rationale for that is that they have the broad awareness of the incident—where the fire is going, what are the hazards, and how we need to communicate some of those hazards to our officers so they can do their dynamic risk assessment and we can apply risk assessments to maintain the safety of our officers.

The CHAIR: My understanding is that police are not at vehicle control points at all times; they hand over to contractors.

Mr Dreiberger: That is correct.

The CHAIR: They may well not even be Main Roads employees; they might be contractors of Main Roads.

Mr Dreiberger: Correct.

The CHAIR: When does that happen?

Mr Donaldson: Our position is that we will always be there for the initial requirement based on that risk assessment to the community members. Our position is that once that is established and we have a traffic management plan endorsed by the incident controller, we will leave to do our police duties, unless the incident controller states that he requires a police officer to stay in that position. In our training, and I am pretty sure—I stand to be corrected—that the state emergency plan contains a design of a vehicle control point, it states that a police officer may be present for the duration. But we have options based on the degree of risk. In our mind the vehicle control point is that last line of defence, but wherever the detour is, it may mean that there is quite a distance between the fire ground and the vehicle control points, so it is safe for us to depart, keeping in mind with the traffic management planning cell that they keep and maintain an awareness of the vehicle movement and what is the risk appropriate to that particular vehicle control point.

The CHAIR: You mentioned training. Can you outline for us who gets trained? How do you decide who is deployed at any one vehicle control point?

Mr Dreiberger: Rob can speak to the training.

Mr Horridge: Over the past few years we have initiated some training via electronic means. That is available to everybody—all the police officers within the state. That is for vehicle control points from a commander point of view, so those who will be running the vehicle control points. There is also training from a vehicle control point operator point of view, so those who are actually conducting the vehicle control activities. This year we have looked at the bushfire awareness training, which we did last year as well. But this year is a bit different: we have trained our trainers within the districts to then impart the knowledge for bushfire training on how to run vehicle control points and the command structures that we put in place and those safety aspects that we hold as an agency, those values, to impact on people within the districts. That is ongoing training that is currently happening.

The CHAIR: What rank customarily would a police officer be at a vehicle control point?

Mr Dreiberger: It could be any rank that is deployed there. Generally it would be a constable or senior constable.

The CHAIR: Whoever was around would be grabbed and told, “Mate, you go and staff this vehicle control point.”

Mr Dreiberger: They are deployed based on availability. Whoever is running the traffic cell for WA Police at that point in time would make the decision as to who they deploy.

The CHAIR: The training is, as we have heard, by way of electronic blackboard?

Mr Horridge: Not all the training is via blackboard, which is the system that we use for electronic means. We have also conducted face-to-face training. We have had hundreds of officers throughout the state conducting that face-to-face training as well.

The CHAIR: How many of the officers that potentially could be on a vehicle control point have had face-to-face training?

Mr Horridge: It is a bit hard to judge because you do not know whether deployment will be throughout the state. But with the Train the Trainer model, it is available to all officers within the state.

The CHAIR: I am not asking whether it is available. I am asking what is the likelihood that someone deployed will have done that face-to-face training?

Mr Horridge: There is a very good likelihood.

The CHAIR: How do we know that?

Mr Horridge: Because our training representatives within the state report back and we have a system called RMIS.

The CHAIR: How many have been trained in that over the past 12 months?

Mr Horridge: In the past 12 months, approximately 1 000-odd people.

The CHAIR: A thousand people have had that training?

Mr Horridge: Correct.

The CHAIR: How long does it go for?

Mr Horridge: There are two options. In the Train the Trainer model there is a half-day option, which is four hours, or there is a full-day model, which is eight hours.

The CHAIR: So you are saying 1 000 officers have done either the half-day or the full-day training in the last 12 months?

Mr Horridge: Correct.

The CHAIR: Are there something like 5 500 police officers now?

Mr Dreibergs: Over 6 000.

The CHAIR: Six thousand—goodness me! So there is a one in six chance that someone has done it?

Mr Horridge: Relative to bushfire, obviously we have high-risk areas, which is generally in our south west, so the deployment is focused on that south west area. We would expect a higher saturation within the south west district as opposed to somewhere else within the state.

The CHAIR: Then you said that there is the blackboard training. As I understand, there are two modules of that.

Mr Horridge: Yes.

The CHAIR: They each run for half an hour?

Mr Horridge: Approximately half an hour; it depends on the individual.

The CHAIR: I might defer to my colleagues for a minute.

Dr A.D. BUTI: I am picking up on the question about the focus on the south west. What about the hills region? I am the member for Armadale so obviously I am interested in the Roleystone, Armadale and Kelmscott hills.

Mr Horridge: Again, our message is for those high-risk areas, and that keeps growing every year because obviously we are having development. We saw fires in—I think it was earlier this year or late last year—the Wanneroo area, which is now moving into area opposite bushland. We are looking at those high-risk areas that are verging the bushland, so that is the Perth hills, Armadale hills, south west and also probably around the Yanchep area.

Dr A.D. BUTI: Would you expect those police officers who operate out of Armadale Police Station to have undertaken the course?

Mr Horridge: We would expect them to at least have done the blackboard initiation course, yes.

Mr Dreibergs: If you like, Mr Donaldson can speak to the engagement we have done with all commissioned officers in the agency around bushfire preparedness and speaking to the districts, because the districts have the ownership of the individuals there and have to make the decisions about what they do and do not do around training.

Mr Donaldson: I think getting back to the two issues: one is vehicle control points and the constables who will do what is essentially quite a basic task, if I can put it in those particular terms.

The CHAIR: We will come back to that in a minute

Mr Donaldson: The other side is command and control. For the bushfire season and preparation, if we start at the very top, we have an on-call team of a number of superintendents who are strategic advisers and who are deployed at the state operations centre, which is DFES. We have our district officers who are trained in all things command and control, and we have sergeants who are also trained in command and control through what was previously known as the AIIMS course. These were embedded courses within the WA Police training curriculum in relation to command and control. If I can articulate the decision-making and the principle-based requirements that flow down to the constable on the ground, it is the direction to fulfil a task. Prior to that task being deployed, the risk assessments are maintained—that is in our training—for those officers involved in that, plus the rolling dynamic risk assessments for those constables on the ground. It can be as simple as, “Go to this particular point and park the car across the road because the fireground is there.” Part of that training is that those officers do the risk assessment, the layers of supervision do their risk assessment, and it comes together to make sure that deployment is appropriate. Also in the training we have the ability, and we have articulated this, to accept the task, to decline the task or to modify the task based on that principle of safety, and that is safety for the responders and the community members.

[10.20 am]

Dr A.D. BUTI: In regards to the use of subcontractors with Main Roads, what level of training have they received?

Mr Donaldson: I could not tell you.

Dr A.D. BUTI: That is a problem, is it not?

Mr Donaldson: Main Roads are a key member of the response subcommittee, and the discussions in there talk about this concept of having people capable of creating a roadblock through those objectives and then articulating the message of the incident controller. In relation to what training they provide to those contractors, I could not answer that.

Dr A.D. BUTI: With the Yarloop fires, there was a criticism made—I think it is a very difficult task you have—that sometimes you might have been a bit too rigid in the implementation of the vehicle control point policy, so there is a level of training issue there. I mean, you have talked about your officers being trained, but I am not sure whether that criticism also referred to the contractors. Secondly, do you think at all that there needs to be greater flexibility in regard to the vehicle control points?

Mr Dreibergs: I guess at the highest level the issue is that the officers who are deployed to the vehicle control points are provided very specific instructions, so you are deployed to a particular location and these are the instructions you are provided from the incident controller. Police officers being police officers, if you are a constable directed to a particular location, you will be directed to make certain decisions. You do not have a great level of flexibility in terms of your decision-making when you are doing a vehicle control point because you are at the direction of the incident controller. When you are at the direction of the incident controller, you have to make the decision, or you can only follow those decisions, or you can ask for guidance back from the incident control if you need to make other decisions relative to that, but at the end of the day it would be inappropriate for a constable at a vehicle control point to be making critical decisions that could put someone's life at risk.

The CHAIR: Can I give you an example. This actually happened at Waroona. I think it was the brigade from Binningup that was meeting the rest of their unit somewhere and two or three of them were in an ordinary vehicle, a Corolla or something, but they had their firefighting gear on. They are in this other car. They told the incident controller that they were due to meet their unit at a particular location. They were held up for a considerable time.

Mr Dreibergs: Without knowing the circumstances and being present at the point in time, the issue would have been that officers would have been making a decision around safety and risk. Just because you work for a fire and rescue service as a volunteer or because you are doing a particular function within that area does not necessarily make it safe for you to enter a fire area.

The CHAIR: Yes, but, you know, "Our instructions are that we are to meet our unit at X place to fight the fire."

Mr Dreibergs: It would be interesting to see what instructions they got provided. Were they told to get into—without knowing the circumstances, it is very difficult to answer that question.

The CHAIR: I am just saying that the volunteers do not necessarily all start from the same point. They get contacted, they are deployed and they are to be at a certain place to attend with their unit, and they cannot get through the vehicle control point.

Mr Donaldson: That is an interesting point, because when talking about the command and control out of the Waroona fires, we had staging areas, so the common understanding was for people involved in the incident to report to the staging areas. There is a number of examples in the Ferguson report, in chapter 12, that had commentary from community members. We reviewed those and, from our perspective, the messaging by the constables or the officers was aligned to our requirements, legislatively and policy driven, based on safety. So, there is a staging point; we are all aware of where the staging point is. Just because you come in and you say you are a volunteer does not mean we can let you pass the vehicle control point. That was some of the complexities around that.

The CHAIR: If a similar thing happened again, your vehicle controllers would do the same thing. Is that what you are telling me?

Mr Donaldson: I would like to say to the committee for this season, under the restricted access permit system that DFES are going to implement, that will not happen again.

The CHAIR: We did hear a bit about that the other day. I understand that SES might have a role there. Has any training been undertaken in that regard? How is that going to work in your understanding?

Mr Donaldson: I might pass to Rob, but my understanding is that it is yet to roll out. We are waiting for 23 November, I believe.

Mr Horridge: I believe the rollout for the restricted access permit system is expected to be at the end of this month. At the moment we have not seen the final product from the Department of Fire

and Emergency Services, so once we have a copy of that, we will be informing our people of the directions. But, ultimately, it comes down to a decision of the incident controller.

The CHAIR: Why 23 November or the end of the month?

Mr Horridge: I do not know.

The CHAIR: You are not aware of the reasons for any delay?

Mr Horridge: No.

The CHAIR: All right. Are you aware of how this is going to work? Is there going to be SES or someone else there, or is the incident controller or the vehicle control point person going to pursue the permit?

Mr Horridge: My understanding is that a restricted access permit system will be looked after by a team of SES volunteers. They will be given some instructions from the incident controller as to the intent from the incident controller who will allow access to certain areas. The SES team will issue permits with some sort of designator on the vehicle, whether it be a sticker, for example, and then whatever the restricted access permit allows them to do, they will then head to a vehicle control point where there will be access to a particular area, and there may be a couple of those. Depending on what the authority is from the incident controller, whoever is manning that vehicle control point will allow access depending on the circumstances and the authority of that permit.

The CHAIR: That is for things like to go back in and feed stock and that sort of thing—is that your understanding?

Mr Horridge: That is my understanding.

The CHAIR: All right. There has been discussion over many years about there being an ID badge to enable people to go through unimpeded—for example, volunteers who are fighting fires. Is that something that would assist your personnel?

Mr Dreibergs: I think the access permit is probably the most important thing. I am not sure about what the benefits are in terms of having an identification, but certainly anything in terms of identification and a restricted access permit combined would both be helpful. Most importantly is the direction from the incident controller to that vehicle control point; that is the most important issue in all of these situations. The reason you have a vehicle control point is the safety issue. The most important issue is the direction from the incident controller to those manning the vehicle control point about who they can provide ingress to and egress to. Every situation in the fire environment, which is dynamic, is going to be different, so every decision has to be made on the circumstances that we are confronted with at any point in time, and there has been a well-known history of people being killed entering fire scenes, and that is why we have vehicle control points that are restricted.

The CHAIR: So it would be true that since Boorabbin, this area has been problematic and there have been incidents—every major incident is where vehicle control points have not operated optimally. You would have to agree with that.

Mr Dreibergs: I would have to say that at every fire incident, manning a control point would be extremely complex because of the risk to people's lives versus demand for people to undertake particular tasks, whether it be an emergency responder or someone wanting access for personal reasons, whether it be a farm or property owner—someone who wishes to stay and defend their property, whatever it may be. You are always going to have, when you have risk, safety concerns and human beings with their own demands and their own wants and needs all mixed together, a dynamic situation. I guess the rigidity comes from police officers when they purely take the "safety first" line, and that is their first priority.

The CHAIR: You accept, as you said, that fires are dynamic and they are not linear steps that you have to take; there could be 15 things happening at once. Frankly, sometimes the vehicle controller has not got time to phone a friend; they have to make the decision themselves. Do you think the system is flawed because it ultimately relies on having to go back to the incident controller in circumstances where they might have to make five or six other decisions at the same time?

[10.30 am]

Mr Dreibergs: In any emergency management situation you are always going to rely on direction from the incident controller. The incident controller's instructions have to provide great clarity to the people at the forefront at the operational space. If you get great clarity, you have good communications, those issues are easier to manage. But if a set of circumstances changes dramatically because a fire has changed direction or because certain things have happened—wind direction, whatever it may be, and I am no fire expert—then decisions have to be made by the incident controller, who has to communicate clearly to those who are on the ground, make changes to safety, because our officers as well, in those situations, are at risk themselves, and they —

The CHAIR: You have used the word “basic” and said that these things are very basic; what your people do, it is kind of basic what they have to do—follow the instructions of the incident controller—but it is not, for example, unheard of that communications break down if you are in a black spot or whatever. Do not your officers need a little bit more flexibility, or have to take a bit more responsibility themselves on occasions?

Mr Donaldson: Can I suggest the use of the term “basic” may have been a little misleading. The task —

The CHAIR: That is why I asked him to clarify.

Mr Donaldson: Yes, and I apologise for that, because there are two concepts within incident management; one is command and control, and one is tasking. Simplicity in tasking is the key. What is the task we are asking them to do, do they understand, and we articulate it, hence my term “basic”—the KISS principle.

The CHAIR: That is “Keep it simple, stupid”.

Mr Donaldson: The complexity comes through the management of the incident. I think in my reading of the Ferguson report he mentions the complexity in management. The tasking of what we do day in, day out, in my verbiage, can be as simple as you want to make it; hence, in our training and our messaging, all those different layers. That is the context of the vehicle control point, the complexity. If we take Waroona as an example, there are 181 roads affected, so that shows the complexity of management. The simplicity of messaging was to stick to the objectives and the message leaves the controller, and that is pretty much what was done. The balance in maintaining essential daily activities compared to protecting and saving lives is that gap in that area where Ferguson talks about some flexibility for vehicle control points. My viewpoint would be that that is not where the flexibility is; the flexibility, if there is any, is with the incident controller.

Mr Horridge: May I just add that the incident controller should be aware of the full circumstances of the actual incident, whereas the police or Main Roads or whoever happens to be, bearing in mind —

The CHAIR: We accept that.

Mr Horridge: Police and Main Roads are not the only people that have lawful authority to do that. There may be fire officers who are appointed that have the same powers as what police officers will do under certain legislation. So it does not matter who the person is on the vehicle control point, it is the awareness of the whole situation and the intent of the incident controller that needs to be understood.

The CHAIR: We accept that, but I think in the case of Binningup it was a case of the vehicle control point saying, “Well, the computer says no”, and not even referring it through. That is where there needs to be some judgement exercised, surely.

Mr Dreibergs: Without knowing the exact circumstances of the situation, but we would expect our officers, if you are confronted with people who are saying they have a specific reason, specific purpose, to be somewhere, then that is why we provide them with communications and the opportunity to contact the incident controller to clarify that and then make a decision and allow people to come through, if they are not sure. Police officers and whoever is running a vehicle control point are always going to be mindful that you will always follow the instruction given to you at a vehicle control point and if you waver from that, then there is a risk involved in that.

Mr Donaldson: In the guidelines—I do not know what page it is—it says, if in doubt keep them out. That is the state-endorsed guidelines, so that is what we follow.

The CHAIR: Can you just tell us what role you had in developing these guidelines? It does not have a page number on it—yes it does, page 21.

Mr Horridge: It was written by a traffic management working group; in fact, it was originally authored by a Main Roads WA employee. It was subsequently rewritten by myself, as the executive officer of the traffic management working group, and it was endorsed by the State Emergency Management Committee.

The CHAIR: All right—before I let my colleagues ask some questions—going back to the issue of the SES access permits, you are expecting that to be rolled out at the end of the month?

Mr Horridge: That is our expectation.

The CHAIR: Yes, and are you involved in finalising that scheme?

Mr Horridge: I have been involved in the past. Approximately one year ago, I suppose, I was last involved; however, we do have somebody from our portfolio involved in the traffic management working group.

The CHAIR: In terms of training your people as to how that is going to work, how do you intend to do that for this fire season?

Mr Horridge: We need to see the model again. The principles are understood. It will be a permission slip, for want of a simplistic term, outlining key points, so long as the people that are presenting at those particular vehicle control points meet those arrangements, then they will be allowed through. So, we will be communicating the intent of that document to our people.

Mr Dreibergs: It should come through in the traffic management plan from the incident controller as a direction to the people manning the vehicle control point—if there is a vehicle access permit provided, under what conditions. So until we see what those vehicle access permits look like, at the end of the day, again, it would be down to the instructions from the incident controller to what is in their traffic management plan relative to vehicle access and those permits.

The CHAIR: Given your knowledge and your expertise, Mr Horridge, I spoke to the president and the secretary of the SES association on Friday. They were not aware of this procedure or that this was going to occur. It seems to me it might be rolled out later than 23 November if the SES itself is not aware of it.

Mr Horridge: The information that I have received or I have viewed in relation to DFES was that it was seeking SES to assist them with a restricted access permit, and the date I have been given is the end of November for the restricted access permit to be rolled out.

Ms L. METTAM: What would be involved in rolling out these permits? What would the process be from 23 November?

Mr Horridge: From a police perspective?

Ms L. METTAM: Yes.

Mr Horridge: It would be informing our people on how they would be conducted on the process available from the DFES side of the house, what they would be doing and what our expectations would be for our people to allow people through those vehicle control points.

Ms L. METTAM: Can you imagine it would be a complicated process in terms of adding this aspect on to what you are currently doing at the vehicle control points?

Mr Horridge: Not from a police perspective.

Ms L. METTAM: How about from an SES perspective?

Mr Horridge: I cannot really comment from an SES perspective.

Ms L. METTAM: What improvements do you think these permits will make?

Mr Horridge: It will provide clarity for our people conducting vehicle control point access.

The CHAIR: With respect, according to Mr Dreibergs, there is clarity; there is no element for confusion. I am a bit confused about that response.

Mr Horridge: Regardless of the restricted access permit system, if we do not have a restricted access permit system in place come this fire season, our vehicle control point operators will allow vehicles through just on the say-so of the incident controller. If he sets certain parameters—if he says that all pink cars are allowed through a vehicle control point and somebody arrives at a vehicle control point with a pink car, they will be allowed access.

Ms L. METTAM: So it would require less communication or confirmation with incident control over those smaller issues of who was allowed access?

[10.40 am]

Mr Horridge: Correct. It allows access to classes of people, classes of vehicles perhaps, and gives that blanket authority rather than constant communication from a single vehicle perspective each time a single vehicle arrives at a VCP. Rather than seeking clarification on each individual vehicle, it will allow a permit system, a class of vehicle access.

Mr C.D. HATTON: I think the problem with access to your property is that you are always going to have a lot of emotion there and people trying to get to their livestock and their belongings and so forth. I know an old bloke from down Binningup, Australind way who was prohibited from entering back to his property, and he is still swearing at the police and the incident control crew. He is still adamant that there was unfairness. Will this system create more fairness in the public eye? Safety is the paramount thing, I know.

Mr Dreibergs: Yes, and it depends on the incident at the time in terms of how the incident controller manages traffic management at the incident control. That is the most important element of the business. How the incident controller structures up and manages traffic management planning and direction and instruction to vehicle control points is the best way to manage angst out there, and clear communications. But the issue is, as I have said, that people with certain demands and needs and wants are going to have high levels of expectation around what they see, and then there is us with a decision and direction given to us about it from the incident controller and the considerations of safety first. I guess when you are making those risk decisions and those safety decisions, protection of life is the number one paramount decision that we are going to make. It is disappointing and it is unfortunate that people get upset around those issues of access to property and how it is managed, but at the end of the day, the police officers, at a point in time, are making decisions in the best interests of safety and on what incident control has communicated to them.

Mr C.D. HATTON: So the permit system could be very good to enhance that overall control.

Mr Dreibergs: It would assist with the decision-making, yes.

The CHAIR: Who decides when a police officer goes and a Main Roads contractor is on the vehicle control at the time? Is that a decision for the incident controller or is that something you decide? Is it when an officer's shift is up or how does that work?

Mr Donaldson: I am happy to answer that. It is a coordinated decision. Again, that is in that management space, so time, place, circumstances and what are the other priorities. Is it a full road closure compared with a partial road closure? Is it an egress access point? Is it simply a point where we can put a barrier and a detour is sufficient for people to go about their essential daily activities? You see those barriers all the time around Perth, and that is essential when we hand it over to a contractor. The incident management team will articulate the requirements, which would be a full road closure that requires barriers, and then police will be redeployed to other areas of high risk if need be. But it is a management decision. It is an incident controller direction, and the traffic management planning team come together to make that decision based on the risk that they are aware of.

The CHAIR: There has been some criticism about vehicle control points, if you just want to refer to that.

Mr Dreibergs: Page 15 of the guidelines sets out the VCP handover and hand-back process.

The CHAIR: Just for the purposes of Hansard, perhaps you can tell us what that is?

Mr Donaldson: That is a point on the VC operations, so it articulates some requirement of the operation and it articulates the handover and handback of a VCP. That talks about the management of the VCP, which I was articulating, and at what stage it is changed to another agency. A full briefing is conducted, a written record is completed and a reliable contact point is provided as to who is taking over that VCP. Again, it is the command side of it.

The CHAIR: So the short answer is the incident controller makes the ultimate decision; is that right?

Mr Donaldson: Correct.

The CHAIR: Presumably it is the incident controller's responsibility, if they are handing it over to a contractor, that that contractor knows what they are doing?

Mr Donaldson: That is right.

The CHAIR: In terms of these major incident reviews—and there has been criticism of police and their control of vehicle control points—do you think that police have unfairly copped some criticism and sometimes it might have been contractors and not police officers?

Mr Dreibergs: I think that people are going to be frustrated in those circumstances. So if people have criticised police in terms of their opportunity to progress through a particular vehicle control point, I think whether it is a police officer or a contractor there, we are going to get criticism, because people are going to be disappointed when they do not get what they think they necessarily need to do at a point in time.

The CHAIR: One of the other issues raised by Ferguson is that sometimes traffic was redirected—for example, trucks redirected on to roads that were not part of the heavy vehicle network—only to then be pinged by Main Roads inspectors. I am just wondering what support police officers were given in terms of putting in place appropriate detours.

Mr Dreibergs: In terms of the road network, we think that the Main Roads department and local government have a key role, particularly in terms of the vehicle management planning. The reality is if the incident controller is making split decisions around detours, one would expect that local government and Main Roads, who have knowledge of those 181 roads as it was in the fires down south, would have an understanding of what detours should be in place, and if Main Roads are part of that process, they should be communicating to their people.

Mr C.D. HATTON: Back to Train the Trainer, the Ferguson report again did say there was a problem with the interim plans or some problem, it mentioned. I think the Train the Trainer program is probably a very good start off—I mentioned that before. It is a quite a common type of module-type thing. Are the people being trained going to be trained up enough in this fire season to implement interim plans that would be better than what the Ferguson report highlighted? Does that make sense? Are you more prepared with the training for such plans to be placed if an incident develops?

Mr Donaldson: Look, I think that is quite difficult to give you a definite yes, because we deal with a wide range of police officers, but what I can say is we have been doing this for some time. Our interim traffic management plan is part of a police officer's daily tasking requirements in the high-risk areas. We have got examples of interim traffic management plans because it is down to a very structured approach in what the officer needs to consider, which then combines an interim traffic management plan, which, once the incident command or incident management team is established, gets endorsement for. So, there is a grey area between the deployment of a police vehicle to block a road off, a rolling dynamic risk assessment for the officers and a conversion into a vehicle control point which has a detour, and then the endorsement of that traffic management plan. But I would say to you from our rollout of training, our face to face, our layout of training, our visitations to the district officers in preparation for this season's bushfires, I would expect there to be a far greater level of participation, awareness and knowledge when applying a vehicle control point until such time as an incident management team is created and those instructions are either endorsed by its controller, adapted or modified.

Mr C.D. HATTON: Can I have a little bit more understanding of what is in that training, the Train the Trainer, just very briefly?

[10.50 am]

Mr Horridge: In Train the Trainer, there is a series of components. It is basically our corporate direction on the safety of our people, how we will operate within the hierarchy and structures of how the HMA may operate, what tasks we are required to do, seeking clarity of tasks and how we will operate within that structure.

Mr C.D. HATTON: There is a level of compliance built into that that an officer would have to comply with. Is it firm, set compliance?

Mr Horridge: Correct. It is corporate direction which is established within our broadcast within our agency and the expectation is placed on officers.

Mr C.D. HATTON: To be knowledgeable and apply that knowledge without any flexibility, I suppose you might say.

Mr Horridge: It meets the state arrangements which are throughout the whole policies and the plans. The state emergency management arrangements state that a whole incident is governed and dictated by the incident controller. Essentially, the IC is the leading authority and that incident controller is appointed by the hazard management agency that has the legislative responsibility for that hazard. They are the person who appoints the incident controller, and that is the authority for that incident.

Mr C.D. HATTON: So it is the hierarchy of control and position where you sit and what you are meant to do?

Mr Horridge: Correct. We will follow the lead control authority's advice because they are the experts in that field.

Mr Dreibergs: There are the interim arrangements and then there are the arrangements established by the incident controller.

Mr Horridge: There are two separate issues there. The interim arrangement is a deployment. We may receive a phone call at our police operations centre saying there is a fire at a particular location and, “Can we have police to assist?” In that instance, we will set up where we think it is appropriate, based on the information that we have at hand at that particular point in time. Later on down the track there will be—if we are escalating it up to, say, a level 2 or a level 3 incident under state arrangements—some incident control put in place through the state arrangements where the hazard management agency will take control. Then there will be a structure put in place that is aware of the full information about that incident and then they will set certain objectives which we will meet.

Mr M.P. MURRAY: Following on from that, the mention of the grey area and the timing of some of that changeover from one to the other to be able to do that—criticisms that I have heard are about the amount of time it took for them to go from one to the other and that local knowledge issue, as you have mentioned, about in one case they will know that people were directed down a road and so were the trucks that were then unable to get up a gravel hill. How do we bring it back to a shorter period and a more targeted-type situation because sometimes, especially in country areas, it dribbles out by the time you get out there and the timing is very vital. How are we going to tidy that up?

Mr Dreibergs: We absolutely expect that an incident controller, as a priority, establishes a good traffic management cell within the incident control. That consists of the Main Roads department and local government, who should have knowledge of those local roads, who should be giving good direction to the people who are at the coalface trying to run the operation and putting detour signs in place and those types of things. At the end of the day it goes back to incident control. In any emergency management critical incident, the most important person is the incident controller. The incident controller and the decisions that they make and the structures that they establish within that incident control to manage things effectively, efficiently, communicate well, direction out—because they are the most important things you can do. You have to establish a very good incident control, very good expertise in there to provide direction to the front line. If you are a constable or a Main Roads worker or a contractor at a particular location and you are told to stop at a particular location and put a detour sign that points that way, that is what you are going to do because that is what you have been instructed to do by the incident control.

Mr C.D. HATTON: Are you aware of any communication breakdowns between those who officiate? It is pretty —

The CHAIR: Do you mean the incident controller?

Mr C.D. HATTON: Not —

The CHAIR: What do you mean by “officiate”?

Mr C.D. HATTON: That those in the hierarchy and some people in the heat of the moment, so to speak, may think their way of operating is better than the next person’s and they might direct traffic differently. Are you aware of any —

Mr Dreibergs: No, not on the ground, not on the road—no.

Dr A.D. BUTI: Arson —

The CHAIR: Before we get off that, I have two traffic control issues. Notes about a decision—each decision made about letting people through and not letting people through. How is a note or a record made of that? Is there?

Mr Donaldson: There is. There is a log of operations.

The CHAIR: Is that in electronic form?

Mr Donaldson: Rob, are you aware?

Mr Horridge: At individual vehicle control points, there is supposed to be a list of people coming and going from those, within our policy. They will be held by the individual officers at those vehicle control points, maybe on a running sheet, a police notebook or something along those lines. For more of a corporate capture, we have our WebEOC, which is an electronic incident management system.

The CHAIR: But do they enter that at the time, or is it on a notebook?

Mr Horridge: On a notebook, at the coalface.

The CHAIR: What I am trying to work out is if someone has schlepped through, how does anyone else know they are there—if he has just handwritten it on a bit of paper?

Mr Horridge: If they had been let through, then it has been a decision from the IC to allow them through, so there should be a record with the incident management team.

The CHAIR: There should be a record; that is what I am asking. So has there been any exercise where you have married up what the vehicle controller has written down with what is on DFES's system?

Mr Horridge: The issue is that at any one time within an incident in an affected area, you never know how many people are within that affected area, because if you have, if you are talking bushfires, if you have a stay and defend —

The CHAIR: I am not talking about people who are already in, but those who you have given access to, because, ultimately, if there is an inquiry, it will come down to maybe the incident controller's word as opposed to the vehicle controller's word.

Mr Horridge: Our policy is that at the point where they enter, they are recorded. However, they may exit at a different point where there is no vehicle control point.

The CHAIR: I am not concerned about that. What I am concerned about is if reconstructing an incident afterwards, how do you marry up the various records of the events?

Mr Horridge: We know where our vehicles are positioned at certain times because it is captured within our interim traffic management plans if we are operating in an interim or the traffic management plans, so at any particular shift time, we know what vehicle was located with what officers at a particular location.

The CHAIR: Yes, but in relation to reconstructing particular decisions?

Mr Horridge: That would come down to the incident controllers' positions, which should be captured on the WebEOC.

The CHAIR: All right, I will give you an example. The incident controller says, "I've no idea; the guy at the vehicle control point just went rogue", let people in, did not let them in, whatever. What I am saying is, how do we know what is the true account of events subsequently if we need to have a coronial inquest or something?

Mr Horridge: That would be sought through the investigation process.

The CHAIR: What tools do the investigators have to understand what is the right answer?

Mr Donaldson: Can I suggest that is why our position is that no-one gets through unless authorised by the incident controller. The operating system or the operating platform is WebEOC for DFES and ourselves.

The CHAIR: That is what I am trying to get at, all right. But WebEOC is not necessarily—records are not made concurrent with, say, someone being let in; it might be made later.

Mr Donaldson: Possibly.

The CHAIR: Yes. So, concurrent with the event occurring, there will be a notation in a police notebook.

Mr Donaldson: Correct.

The CHAIR: What happens with contractors, do you know?

Mr Horridge: I cannot speak for contractors.

The CHAIR: Thank you. The last thing is, obviously, as both Mr Hatton and Mr Murray said, occasionally these discussions as to who gets in and who does not get in get heated. That is stressful for whoever is having to say no. What measures are put in place to counsel or talk to the officers after the event? Are there any, or do they just have to man up?

Mr Dreibergs: The officers, being police officers, have to make those critical decisions. If someone is upset with them and confronting them, they have to deal with it like any other situation when they are out on the road and confronted and dealing with a difficult person or a difficult situation. We expect them to use good verbal communications and try to assist the person as opposed to not assist the person.

The CHAIR: Dr Buti has a question about arson.

Mr M.P. MURRAY: That is where some of the problem lies. The farmer who wants to get in and save his stock says, “Stuff you, mate, I’m putting it in low gear and if you want to stand in front, you’ll go underneath.” That really does happen a fair bit, even in Yarloop. Local fires are the same: “No you’re not stopping me; I’m going in.” Half the time, no name is recorded—nothing. I do not know how you are going to address that. I am just making that comment.

[11.00 am]

Dr A.D. BUTI: Before I get on to arson; you are right. It is very stressful and you expect the officers to deal with it as they do with every other situation. That is why it is really interesting, that a previous review we had with police that you do not actually record PTSD figures. I find it really strange in a police force, which is no doubt an occupation where there is a lot of post-traumatic stress disorder, that it is not formally recorded. I think that is appalling. It is not your decision but I think it is important.

Arson: there was a report in *The West Australian* of June titled, “Bushfire arson team ‘in strife’” dated 20 June 2016, which mentioned that the number of charges of arson made by the Vulcan team has dropped, particularly among juveniles. Do have you any reason why this may be the case and are you able to allocate resources? Do you have enough resources to investigate arson allegations?

Ms Whiteley: I can give you a quick overview. Obviously, the arson squad exists all year. During the bushfire season we have Strike Force Vulcan as a strategy. That is essentially an increased footprint in terms of our investigators and our capacity in that space. Over the last five years, this year, particularly, we have restructured and have an extra FTE in there and we have an analyst and the appropriate number of investigators.

The CHAIR: What is the appropriate number of investigators?

Ms Whiteley: We have 11 dedicated to Strike Force Vulcan for this coming bushfire season. But, of course, that is the core group that is monitoring the strategy and, at any one point, depending on the action plans, the operational intelligence or what we are seeing in terms of reports, hotspot patrolling and working with our external stakeholders such as DFES and through our bushfire intervention team fortnightly meetings, we start to see a pattern or a theme emerging, then we can supplement that investigation strategy as is required. In terms of less juveniles, there still are juveniles that have been referred. Obviously, there is the DFES JAFFA program; they are also referred to the juvenile justice team. It depends on whatever it is, who the person is and what the arson event was. There are still some that come to our attention and are referred, suitably,

depending on what the incident is. There are less because perhaps we are more proactive in terms of tracking potential arson offenders. We now have five years of information. We are proactive in terms of liaising with our stakeholders, with volunteer bush fire brigades, with members of the public who see the posters, and intelligence gathering. Certainly, I would suggest that the message is getting out. We are getting reports and actually actioning those in the lead-up to the bushfire season and during that strategy while it is in place.

The CHAIR: Can you let us know when are people referred to juvenile justice teams as opposed to charged?

Ms Whiteley: I can give you a couple of examples; for instance, last year, one was under 10 and did not get referred. If it is a juvenile, depending on if they have had a record before, their age, then they will be referred to that program; also, there is a program at ECU. The bushfire team will actually look at the record or the links of that particular offender, what the incident was and what was the size of the incident, and what was their background, essentially. There are times that we need to make sure that their behaviour is not repeated, so there will be follow-up programs and touchpoints with those people to make sure that there is no repeat offending.

The CHAIR: While you are talking about the JAFFA program and, I am sorry, I do not know the exact meaning of the acronym.

Ms Whiteley: It is the juvenile and family fire awareness program.

The CHAIR: There you go, thank you. That is a fantastic program and there is a really low risk of recidivism, as I understand it.

Ms Whiteley: Yes.

The CHAIR: But that is on the smell of an oily rag and relies on volunteers to run that. Do you think there is any merit in actually putting a bit more resources behind that and maybe getting some paid personnel operating that program? I know it is a DFES program, but do you think it is a useful program?

Ms Whiteley: I would suggest that if we are seeing less recidivism, then it is certainly a program that we refer to.

Dr A.D. BUTI: You said there are 11 officers, right, so they are full-time officers. They are in the Vulcan team, are they? That is during the fire season.

Ms Whiteley: Yes.

Dr A.D. BUTI: When does it start and when does it end, the fire season?

Ms Whiteley: It starts on 28 November and goes to 2 April, and then it could be supplemented at any time, depending on the action plans and any intelligence and whatever other extra effort that we may need to do proactively or reactively, depending on what is emerging out of the intelligence that we get.

Dr A.D. BUTI: In that article I referred to, the police union suggested that the lack of charges may be due to inadequate resourcing. What would you say to that?

Ms Whiteley: I disagree with that, simply because it has not got inadequate resourcing and at any time we are prepared to support whatever action plan is proposed; we will support it.

The CHAIR: Can you tell us about some of the complexities of the arson investigation?

Mr M.P. MURRAY: Just before you go on to that.

The CHAIR: Yes, sure.

Mr M.P. MURRAY: I hate to use these terms, but —

The CHAIR: You will anyway!

Mr M.P. MURRAY: I will, yes. But hotspots as there are in Baldivis and those areas, do you put extra patrols or extra people into those areas? I mean, every year you can guarantee there will be three or four fires in those areas, and Gnangara is another one. I am not saying that it is individuals or whatever, but we know that is going to be an area. Do you then have any process to try to either catch or eliminate some of those fires in those areas?

Ms Whiteley: Yes, we do. There are proactive strategies where we look for potential arson offenders. We will have strategies where we will engage with them and make sure that they understand that we are watching those that we may think may reoffend. In terms of the hotspotting, we do targeted patrolling and we are obviously able to map that through the use of our intelligence analysis. We can over the years, looking at the time, the place, the circumstances and whatever element we see out of the fire scene, helps us determine where we should direct our resources. We also use our district resources, so we will give that information. The district control centres—for instance, you were saying Baldivis—would be aware that if we believe this is a hotspot area, we will supplement the effort that is in there by using our local policing teams or our response teams. We also work with the other areas of the agency, which might include air wing or our traffic engagement group. We will determine where we see there is an emerging hotspot or where we know that there is going to be activity, just as you say, then we will direct resources to be aware and tell them what they should look out for. We use, obviously, our police media, and we are proactive in making sure that our officers know what are the signs, what to look for, and what to do when they do get called to a scene, because often that helps us in identifying any potential suspects involved in the arson.

The CHAIR: What are the complexities of arson investigation?

Ms Whiteley: Sorry, yes. In terms of an arson investigation, obviously it will depend on the incident. The investigators are all trained in examining scenes. We will have a primary scene and maybe a number of secondary scenes. We have a senior investigating officer in charge of the arson squad who is at our level—an I7, the highest level of senior investigator—supplemented by two I6, who are again very trained senior investigators. We also work very closely with our forensic teams who, depending on what the scene is—if there is a death involved, we will have a protected forensic area. We can bring in layers of forensic, depending on what it is that we think was the cause of the fire or what are the key elements indicating in the investigation in the early stages. We will manage that scene accordingly, and that involves also managing family and witnesses and looking through the incident to see whether there are opportunities for us to identify witnesses, suspects and any other intelligence that exists.

The CHAIR: Is there any rule of thumb as to what percentage of arsonists are able to be charged or apprehended? Is there any sort of general figure? My understanding is that it is quite low, but I just wondered.

Ms Whiteley: Obviously, through our proactive targeting, our proactive strategies and our reactive strategies, that will give us indicators of someone who may reoffend. Often that person, once we start to identify them—there have been previous incidents when we have had a person charged with 18, and we know that they were also potentially involved in another 11. So, you can have single people involved in lots of incidents, and that is who we would target our efforts in.

The CHAIR: No, that is not what I asked. I asked, notoriously, the number of suspected offences, and how many offenders are actually brought to justice. My understanding is that it is quite a low percentage by virtue of the complexity of the investigations.

Ms Whiteley: Yes.

[11.10 am]

The CHAIR: Is there a rule of thumb? What is considered across the board, not just in Western Australia, but generally? What is the sort of figure we are talking about?

Ms Whiteley: I could not give you a percentage, but it is low, because it is difficult. Obviously, the scenes are complex.

The CHAIR: Technology has helped in other areas of detecting crime. I wondered are there any technological solutions that could be deployed, as Mr Murray says, in hotspots or whatever?

Ms Whiteley: Yes. We do have a number of covert technologies available to us, which we deploy. At this point in time we have access to them as we need for the bushfire strategies. So, we do have access to those types of technologies.

The CHAIR: I know this is difficult for you to say politically, but is there any technology that you would like to use that you do not have access to, or would it be good to have more technology in an ideal world or whatever?

Ms Whiteley: No. I would suggest we are actually quite advanced in that. We have cameras in vehicles, and we also have other opportunities available to us. So I think we are quite well resourced at this point.

The CHAIR: Anything else, anyone? Leading up to fire season, obviously you get more staff on board and you have the Operation Vulcan operating. Are there any other things you do sort of pre-fire season?

Ms Whiteley: Pre-fire? Obviously there is planning and working with our other stakeholders, so in terms of what it is that we are looking like over that bushfire season—we know the hotspots and the fuel load et cetera. So we develop a strategy for that season, and then we are proactive in messaging in the hotspot areas. Again, it is just about engaging and making sure the message is out so that we harness those early opportunities before the bushfire season to prevent an escalation of fires.

The CHAIR: Do you have a list of possible prolific offenders or people you take a particular interest in that you maybe —

Ms Whiteley: Yes.

The CHAIR: — go and check up on and see how they are?

Ms Whiteley: We do. We have an engagement strategy with, as I said, the potential arson offenders. We work with them. We also have a number of covert and proactive strategies around that.

The CHAIR: I know it is very hard to generalise, but can you give us an idea of, sort of, the profile maybe of a juvenile arson offender, and maybe an adult?

Ms Whiteley: I guess an adult could be somebody about whom we have had indicators of being near a scene before, that there has been intelligence that we have received before. So then we will go and engage them and introduce ourselves, and make sure they are aware that we are watching their movements. I do not want to generalise in terms of what they may or may not do—whether they work or not. It is very different on many occasions. Likewise, with a juvenile, we will identify whether they have been seen around a scene. So, again, it is the intelligence that we are gathering over the years and are able to analyse. We will go and engage with their family if they have been referred to the JAFFA program. Fortunately, they know that we are involved in targeting their movements, and it depends on the individual as to how much extra effort we might need to put in and whether we need to put covert strategies in that place as well.

The CHAIR: Good luck. Thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be

made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Thank you very much.

Hearing concluded at 11.14 am
