

FIRE AND EMERGENCY SERVICES AMENDMENT BILL 2015

Second Reading

Resumed from an earlier stage of the sitting.

MR D.J. KELLY (Bassendean) [2.55 pm]: I rise to comment on the Fire and Emergency Services Amendment Bill 2015, and, after that budget, I am pleased that the Department of Fire and Emergency Services does not have to pay for its water. Where is the Minister for Emergency Services? I want to raise only one issue with respect to this bill. On 5 March this year, there was a bushfire in Ashfield. Some land owned by the state through the Western Australian Planning Commission caught fire near Hardy Road in Ashfield. We were very lucky that day that houses were not lost. A number of properties sustained minor damage, so we were very close to losing a number of houses.

Several members interjected.

The ACTING SPEAKER (Mr P. Abetz): Members, I know that the budget is very exciting but please keep your voices down or take your conversations outside the chamber. Thank you.

Mr D.J. KELLY: On that day, the local Kiara fire brigade was busy elsewhere, and the brigades that responded could not access the area that was burning. Had it not been for the helicopters that arrived just in time, we would have lost houses—that is how close we came. I have had numerous letters from residents of Hardy Road asking what the state government is doing as the owner of that land to deal with bushfire mitigation. This bill seeks to increase the obligations on developers to ensure that houses they develop near native bushland are safe from bushfire. The residents of Hardy Road want to know why the WA Planning Commission, as the public owner of that land, has not paid more attention to its responsibilities in a range of areas, including bushfire management. The problem is that some of that land is owned by the WA Planning Commission and also by the Water Corporation. I am glad that the Minister for Planning has entered the chamber as he is also the minister responsible for this land. The problem is that there is no comprehensive management plan for that land. All that the Department of Planning does is a bit of lawn mowing. It says rubbish removal, but I do not think it does much of that. There is no comprehensive plan for that area, so the residents in that part of Ashfield do not have confidence that the issue of bushfires is being dealt with adequately. We all know that the risk of bushfire cannot be completely eliminated, but the residents around that land want to know that the state government, as the owner of that land, has turned its mind to bushfire management and is doing everything appropriate to ensure that their homes are not put in the same situation that occurred on 5 May this year when they were almost lost. I therefore wrote first to the Minister for Emergency Services, I think on 9 April 2015, raising this issue with him. I also wrote to the Minister for Planning on that issue on the same day asking for a comprehensive management plan to be put in place for that area that would address the issue of fire management. The Minister for Planning wrote back to me in a letter dated 6 May, in which he states —

The Ashfield Flats Bush Forever site is a well-managed parcel of land and conforms to all current legislative and State Government requirements in its management. A Management Plan is a formal arrangement undertaken by the end manager of an identified parcel of land, often with complex land requirements. It outlines the levels of care and management required for the reserve. As the Ashfield Flats does not have an end manager, the Western Australian Planning Commission ... continues to fulfil its role as land manager of the reserve, in cooperation with various stakeholders and other land manager.

The minister is basically saying that because the Western Australian Planning Commission is not considered to be the end manager of the land, it is not prepared to put in the resources to put in place a proper management plan.

The Western Australian Planning Commission has held that parcel of land for many, many years, and my understanding is that the state government does not have any plan to further progress the management of the land. The Minister for Emergency Services says that he will be back in the chamber in a minute, so perhaps I will discuss the 4.5 per cent increase in water charges and how those charges will affect bushfire management. What else? Perhaps I will discuss the \$36 billion in state debt.

Mr J.H.D. Day: You don't need to be a smart Alec; he's gone out to the bathroom and will be back in a minute.

Mr D.J. KELLY: He could have done that during the Treasurer's speech, instead of when I am talking in this place about bushfire management. People almost lost their houses in the bushfire on 5 March. It is a serious issue and I do not appreciate being called a smart Alec by the Minister for Planning. He is the minister who wrote back to me and said that he was not prepared to deal with this issue because he is not the end user of the land. If his department, the Western Australian Planning Commission, does not consider itself to be the appropriate end

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manager of that land, he should pass it on to someone who is. He should give it to the Department of Parks and Wildlife if he thinks it would be the most appropriate end manager of the land. It is simply not appropriate to have that land sitting there when everybody knows that a comprehensive management plan is needed for that parcel of land.

I welcome back into the chamber the Minister for Emergency Services. We on this side of the house are supporting this legislation, though we have some concerns about it. Although we appreciate that homeowners need to take some responsibility for bushfire management, residents expect landowners, especially when the owner of the land is the state government, to properly manage the land in all aspects, including bushfire management. I therefore wrote a letter to the Minister for Emergency Services dated 15 April. I have not had a reply from him.

Mr J.M. Francis: I signed a letter back to you this morning.

Mr D.J. KELLY: I hope the minister will be able to tell me that he will take up this issue. I do not want another reply that just says, “Well, Ashfield Flats, we do a bit of mowing and that’s about all.” The residents of Ashfield want to hear that the state government, as the owner of that land, will take proper responsibility. It is a Bush Forever site—I was going to say “Bushfire Forever” site—so other issues need to be properly dealt with in a comprehensive management plan, including erosion and other matters. Residents want to hear, after the experience of the bushfire that occurred on 5 March 2015, that a proper plan is put in place and that as part of that plan, the land is made as safe as is appropriate from bushfire. I hope the minister will take that on board. I look forward to getting his response. I hope the response is a bit better than the response I got from the Minister for Planning.

MS L.L. BAKER (Maylands) [3.04 pm]: I rise to address the Fire and Emergency Services Amendment Bill 2015 before the house. Members of this chamber will know that this is a matter dear to my heart, given that I live in a high-risk area. I want to talk about a few things in this bill. The bill will provide for the designation of bushfire-prone areas by the Fire and Emergency Services Commissioner. An area will be designated as bushfire prone if it is an area that is subject or is likely to be subject to bushfires. A proposed development in an area designated as bushfire prone will require an assessment of the bushfire attack level. This assessment will inform the standard of the proposed development to align with Australian Standard 3959.

I believe this is a fantastic improvement. I am yet to quite understand and it will be interesting to see how it will impact on people such as I who have lived in bushfire-prone areas for many years. One of my colleagues talked about insurance premiums and the like. I am sure they will go up, but for the sake of this strategy, I think it is an expense that those of us who live in those areas should be prepared to pay. I know that members on the other side of the house, including the Leader of the House, would be very familiar with the responsibility that comes with living in a bushfire-prone area. Over the past more than 20 years since I have lived in my house, I have had four evacuations and, obviously, each has caused a remarkable amount of stress. Part of the reason for my rising to talk on the bill is that the area that my neighbours and I live in is on the edge of the forest and we have one point only for entry and access.

I want to tell the story about the time during the election campaign in the month of February when we were all madly campaigning. I had just left home and gone to my office. At about 11 o’clock in the morning, I got a phone call from my partner to say, “Lisa, I think you should come home.” I said, “What’s wrong?” My partner said, “The street’s on fire.” The street is actually in the middle of the forest, so when I got that call, I hightailed it home. That was quite right: somebody had purposely set fire to the side of the street in February. There were about six fire brigade units, volunteers and heavy machinery there. Fortunately, the people up there know me because they are part of the Glen Forrest vollies. There were also vollies from Parkerville, Darlington and Darling Range, and probably the Chidlow group as well. I was not allowed through, of course, because there is only one entry and access to the property. The fire was 500 metres down the road from my place. It was the first time that I understood how helpless people feel when they are within 600 metres of their front door but cannot get through the road to save anything important that might be in their house. It was my first close-up experience of what it was like to be on the other side of the fire brigade and to be unable to get to my property when it was at risk. It certainly made me very aware of those people who lost their homes in the Parkerville fire. Some of them were my friends: Paul and Alanna Randles-Freeman, in particular, who have just moved back into their house after it was burnt to the ground in Parkerville. I now know what it must have felt like for them to put everything they thought they held dear into the back of a car, put the horse float on and drive away and try to get through the roadblocks to get out in time with their animals, son and daughter and everything else they could get in the car with them. Fortunately, the hills area has a pretty close community. I am sure many members of this house understand that when there is a threat, generally speaking, they get a number of phone calls, text messages and Facebook posts before they can even log onto the Department of Fire and Emergency Services website to tell them that there is a fire.

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I took a couple of photographs; I do not know whether the minister would like to see them. I might ask permission to lay them on the table of the house. I got home last weekend to see, completely unknown to me, a fairly hysterical sight about 200 metres from my back fence; it was a very large bushfire. It was, in fact, a prescribed burn, but nobody had told anybody on my street that they were going to set fire to the bush. Nobody had informed anyone on the street. Only five people were living on my street, and we are each on 20-plus acre properties. We were all phoning each another frantically saying, “This is a prescribed burn, isn’t it? Let’s just be calm about this.” It was a prescribed burn, but the point was that there had been no attempt to let us know. Only five properties were in the direct line of that fire. It was pretty scary. It was part of the prescribed burns that have been going on for the last two weeks. I am completely comfortable with that now I know it was a prescribed burn. I am so glad that it was happening at the beginning of winter and not two months earlier, in which case I would have been completely hysterical, I would think, as would have been my neighbours.

In relation to this addition to the legislation, references were made in the submissions to the Fire and Emergency Services Authority about changes that might be made to the warning system. I heard some of my colleagues say how complex it is to manage this issue. It is extraordinarily complex. I think there are many occasions in which we can never actually win in it. My experience has been with the Parkerville fire that started a couple of Christmases ago. I had just left my brother’s house and was pulling onto Great Eastern Highway, and I had a friend of mine who was visiting from Ireland in the car who was blissfully ignorant of what bushfires meant to a hills dweller in Western Australia. I was heading down the hill, and as I looked over my shoulder to the left, I saw some smoke go up. I looked at it and thought: That is not good. I turned the car around and drove down the hill and got to the bottom of the hill and looked in the rear-vision mirror and saw what was happening. I turned around and went straight up the hill behind six or seven fire trucks and a lot of emergency equipment that was starting to head up there. The DFES website had nothing on that fire; there was nothing on any of the places that would have been expected at the time that my friend and I saw the fire from the car.

During summer, I was heading back from Guilderton towards Perth when the whole of that area off Warbrook Road burnt. It was about 9.30 in the morning, and, again, we saw that fire starting. It was a matter of great concern, as it was travelling very fast through grassland with a strong wind behind it. We immediately went to the DFES website to try to see whether there was any notification of it. There was none on the website at that time. I think it took over an hour to get it on the website. Nowadays, when I see a fire somewhere around my property, I jump onto the Facebook site for WA Equine Emergency. I hate to say it, but that website has notifications of fires far more quickly than I have found anywhere else. I completely understand the reason. It has to be checked out and it has to be established as a proper fire that is not contained. This includes a range of things that are terribly sensible. For a homeowner in the area, I want the most current news as quickly as possible so that I know if I need to get something out. I can recommend to my friends and colleagues the WA Equine Emergency Facebook site if they have any need to check on what is happening and are worried about their animals. Get onto that site. It is totally informal and I cannot guarantee its professionalism at all, but, by crikey, it is quick—and it has not been wrong so far! That is a very quick way of getting information about what I have to move, when I have to move it and how quick and careful I have to be. At some point in the future, the DFES website will report what is happening. That is great. Of course, I have the numbers of the local DFES office and the local environment protection people, the local rangers, and I make contact with them as quickly as I can to find out where the fire is and what is happening. They will generally set my mind at ease.

A fire is a remarkably destructive force and I am very pleased to welcome these changes in the legislation, particularly those that make it mandatory to look carefully at the types of subdivisions and developments going in. Indeed, I have just started to plan an extension to the deck on my house. When the builder popped in to see me, he said, “You do realise that this can’t be wood, don’t you?” I wanted wooden decking. I was embarrassed to say that it was the first time I realised that it is now illegal to have wood decking in my neighbourhood. That is a completely sensible thing now that I think about it; it had never occurred to me in the past. Now I know that, it will cost me three times as much, but it will not burn. I have to have a specific new product on the deck because the local planning laws have now changed and I am no longer permitted to have a wooden deck.

The Shire of Mundaring is regarded as having extreme risk of loss and damage from wildfire to the community and its assets. I wanted to put on the record a few of the good strategies that I know the Shire of Mundaring has pursued in managing wildfires in the neighbourhood. The shire administers and gives support to nine volunteer bush fire brigades, with over 400 members. It also supports the Mundaring firefighters school, run by volunteer trainers, which conducts over 20 training courses a year. That involves about 180 bush fire brigade members. I cannot overstate the importance of the proper training for those people. I have had experience of driving home on the Australia Day long weekend and seeing a few characters in a ute with an open barbecue on the back of it heading for a lookout in the middle of the forest so that they could watch the Australia Day fireworks. I followed them down the track, taking my life into my hands, bailed them up and said, “Where are you guys going with an open barbecue in the middle of January?” They said, “It’s okay! We’re with the vollies!” I assumed that they

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meant that they were with the volunteer bush fire brigades. They tried to assure me they were. I said, “You should know better than that, and I am sending the police around now.” Despite the fact that we have good training in place, sometimes people slip through.

The bushfire ready groups, community fire information meetings, targeted fire safety letters to residents, upgraded fire danger signage erected in high-visibility areas on roads, and the use of electronic variable message trailers on highways and main roads to pass on fire safety information are all really fantastic innovations that the Shire of Mundaring has put into place. It also produces a mail-out—a *Fire and Burning Information Book*—to ratepayers. I use that booklet all the time to judge when it is appropriate to burn. In fact, my partner texted me not three hours ago—without understanding this bill was being debated—and said, “Is it an on or off fire-burning period?” I had to inform her that she needed to have a permit from the council to do the burning off that she wants to do this weekend. It is a very good program.

The aspects of this bill of interest to me is how the government will address the issue of bushfire protection in the existing developed areas where it is already bushfire-prone and where people are already living—like the one I just described to members where I live. I feel a lot of responsibility for making sure that my property is fireproofed—and I know that my neighbours do as well. However, at the end of the day, there is not much one can do when living on the end of thousands of hectares of forest. We know we take a chance by living there, but we love it, so that is where we live.

I want to refer to a couple of other things before I sit down this afternoon. Given that I live on the edge of a forest, I am very aware—as I am sure the minister is; I think he referred to it in this house in the second reading speech—that when areas are opened up to more traffic, whether that is by development or allowing access to forests and reserves, the fire risk increases. I heard a member say something about a car backfiring —

Mr J.M. Francis: It was the member for West Swan talking about the picking machine backfiring.

Ms L.L. BAKER: She did. I have seen trail bikes thundering through the bush and backfiring and illegal four-wheel driving on crown land and in the national parks that surround my house. I absolutely shudder when I see them. I think the riders and drivers of these vehicles must think that I am a complete witch from hell because when I go out and confront them and ask them what they think they are doing, and tell them that it is a reserve and that it is the middle of summer and they are driving a car or riding a trail bike with a hot engine through highly, highly flammable ground, they either abuse me or do things that I probably should not put in *Hansard*. In fact, I think I have put on record before that a trail bike rider hit out at me when I fronted them about what they were doing in the forest. I raise this point because once access is opened up, the fire risk increases.

I want to mention the debate in the other house on hobby hunting and the recreational use of forests.

[Member’s time extended.]

The ACTING SPEAKER: I can grant you a 10-minute extension.

Ms L.L. BAKER: Thank you, Mr Acting Speaker; that is very generous. I am forever in your debt.

When bush is opened up to people who are perhaps not used to being in the bush or those areas are opened up to sports such as hobby hunting—these are not professional shooters—the fire risk is increased. I have already said that over the 20 years that I have been on this property, on a number of occasions I have sat on my deck and looked over the hills, which is all forest, and seen campfires being lit by people camping in the forest. I report them, but it is very hard to give direct, specific instructions about where to find the encampments. I can give a general area, but the rangers or police have to go out, and it is very hard to pin the location down. I know these people are not meant to be there; it is illegal to do what they are doing. I shudder at the thought of hobby hunting in those areas, giving people access to go and shoot animals in the forest, by the edge of my house, and potentially bringing with them vehicles with hot engines and accessing highly flammable areas. I think that is a risk the minister should not take. I must put that on the record because of the threat that it holds in fire seasons to create problems and add costs to the already expensive exercise of trying to manage our national parks so they can be kept in some way pristine. We should not encourage hobby hunters to shoot in them.

I thank the minister for bringing this bill to the house. I think it is a difficult area to manage. In the past, I have thanked the minister for the work he does in this area. I feel the minister understands some of the risks and challenges involved in managing this area. I look forward to seeing how this legislation impacts me and my neighbours and also people more broadly across the state. I hope I do not have friends arriving with a carload of what is left of their clothes, their animals and their family needing to be looked after for six or seven months because their house has burnt down. I hope that does not happen again. I hope that this is one of a number of

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strategies that the minister intends to implement to improve fire safety in the whole of Western Australia where we can.

MR W.J. JOHNSTON (Cannington) [3.24 pm]: I do not want to speak for very long on the Fire and Emergency Services Amendment Bill 2015, but I will make some remarks about the “Planning for Bushfire Risk Management Guidelines” published by the Department of Planning. I quote the May 2014 draft—I think that is the most recent copy?

Mr J.M. Francis interjected.

Mr W.J. JOHNSTON: Yes. As an aside, I will start by making the comment that it is very hard to find a final document on the Department of Planning’s website. This is a draft and there is a second draft for its planning policy for living underneath the flight path. The department never seems to come to conclusions, but it has lots of drafts. Paragraph 2.3 states —

IDENTIFICATION OF DEFAULT BUSHFIRE-PRONE AREAS

Where no State or local government map is available, all land within 100 metres of an area of bushfire-prone vegetation that is equal to or greater than one hectare will be classified as being bushfire-prone for the purposes of applying SPP 3.7. It is a proponent’s responsibility to identify whether their land is in a default bushfire-prone area as part of their planning application. If a landowner is in doubt, they should seek the advice of a fire consultant or the relevant local government.

There is quite a lot of bushland in the metropolitan area of one hectare or more. I just checked in *Hansard* and from a quick count I think I have mentioned Canning River Regional Park about 30 times, which runs either side of the Canning River in the City of Canning through my electorate. Hester Place Reserve on the other side of the river is effectively the continuation of Canning River Regional Park, but the part that falls within the City of Gosnells. There is Queens Park Regional Open Space, which used to be called Queens Park Bushland, at the end of Queens Park; there is a bush area around Mills Park; there is bushland on either side of Bannister Creek; there is bushland in Ferndale along the Canning River that does not fall within Canning River Regional Park; there is bushland currently owned by the Christian Brothers trustees at Castledare, which will be joined into the regional park; and there are various pockets of bushland throughout Queens Park, East Cannington and Beckenham. There is lots of bushland over one hectare and a lot of landowners and house owners may not realise they will be affected by state planning policy 3.7.

In February 2011, on the day of the Perth Hills bushfire, there was a deliberately lit bushfire in Canning River Regional Park. I was with my Rotary Club —

Mr J.M. Francis: Was it in Ferndale?

Mr W.J. JOHNSTON: Yes, it was in Ferndale. It was in Canning River Regional Park. It was actually in Cannington as well as Ferndale—Ferndale is in my electorate—but the fire crossed the river. The reports I had on the day were that some people in a car had driven up and thrown a Molotov cocktail into the scrub and then headed off at high speed. I do not believe anybody was ever caught for that offence, but it was a very large bushfire. On the day of the hills bushfire as all the focus was rightly on Kelmscott where houses were lost and lives were put at risk, at the same time, there were fires burning literally to Ferndale residents’ side fences. Indeed, one of my electorate officers lives in that area and the fire burnt the grass on the opposite side of the street to her house. The Canning River Regional Park makes Ferndale, Lynwood, Cannington and Wilson attractive places to live, but it also means that fire risks go right into the metropolitan area. I note the good recovery work after the bushfire of the different volunteer groups that work in the area under the leadership of SERCUL—the South East Regional Centre for Urban Landcare—which is one of the strongest environment groups in the metropolitan area. There is also the Bannister Creek Catchment Group, Friends of Brixton Street Wetlands, the Canning River Regional Park Volunteers, Friends of Queens Park Bushland and the Wilson Wetlands Action Group, to name only a few of the important groups that work in my electorate. I spoke to those groups about the work that they had to do after the bushfire to try to encourage recovery of the natural vegetation and to prevent erosion in the park, and I would be concerned that those people understand their obligations under SPP 3.7, because many people may not know their obligation because they live within 100 metres of one hectare of bushland.

Mr J.M. Francis: This is not retrospective.

Mr W.J. JOHNSTON: Of course not.

Mr J.M. Francis: They might want to live within 100 metres.

Mr W.J. JOHNSTON: Many people may choose to, but imagine, for example, those people who already live within 100 metres of bushland who now want to change the nature of their houses, such as do an extension or

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whatever. They would be caught by this. Alternatively, this provision will also affect a person who intends to buy a property. Most people who buy a property do something to it afterwards, particularly in the Lynwood and Ferndale area, which are suburbs in which people purchase second homes. Wilson is also an area in which people purchase second homes. People often buy houses in those areas to work on them, and they might not realise that they are being caught by SPP 3.7. In the suburbs of Cannington and Wilson, not so much in Ferndale and Lynwood, there is a lot of infill—that is, people often bulldoze houses and put up two luxury places. That also occurs in East Cannington in Queens Park, and even the government is building 72 units at the northern end of Queens Park near the area previously known as Queens Park bushland, which volunteers now call Queens Park—the suburb of Queens Park next to Queens Park. The government of Western Australia is building those units, so there is lots of intensification. The suburbs that I represent are in that ring of suburbs within seven to 15 kilometres of the CBD, and there is a lot of intensification of use there. Those people will potentially be covered by SPP 3.7. I am not arguing against it; I am arguing for an understanding of its impact. I note that it could appear that there might be a way for a council to say that an area is not bushfire-prone even if it is within one hectare of bush. It might be that that is the approach to take on some sites: we do not have to have the whole impact of SPP 3.7 so that it is reserved, say, for 100 metres from the regional park but not necessarily 100 metres from every piece of bush in the suburbs. One of the strengths of living in the electorate of Cannington is those bush areas. Equally, it is an area in which there is a lot of affordable housing. We do not want to make it unnecessarily more expensive for people to build properties in the area. We should certainly make sure that people understand their obligations, but we need to apply the obligations sensibly and with commonsense. I think that is very important.

I want to finish my brief remarks by noting the hard work of Julia Robert, the chief executive of SERCUL. Sadly, Julie is quite ill at the moment and is off work. I want to pass, through *Hansard*, my best wishes to Julie and wish her a speedy recovery. The member for Gosnells knows Julie as well as I do. Although she is a resident of my electorate and works for SERCUL in my electorate, SERCUL's work is well known and extends way past my electorate to your electorate, Mr Acting Speaker (Mr P. Abetz), as well as the area represented by the member for Gosnells, right up to the electorate of Forrestfield and even further into the hills. All of the south east region is covered by the work of SERCUL, and under Julie's leadership it has been a very strong and effective group. I wish Julie a speedy recovery and wish her all the best. As I say, I hope that those policies can be clearly enunciated or applied with commonsense so that we do not get unintended consequences unnecessarily pushing up house prices in the area that I represent.

MS J.M. FREEMAN (Mirrabooka) [3.36 pm]: I, too, want to speak very briefly on the Fire and Emergency Services Amendment Bill 2015. I want to join a number of my colleagues who have spoken very well, including the member for Cannington who made a very good contribution on the unintended consequences of the bill.

I want to clarify some matters with the Minister for Emergency Services, as other members have done. In 2012 there was a serious fire in the Koondoola Regional Bushland, which is a Bush Forever site. I understand that Koondoola is an Aboriginal word for emu. There are 137 hectares of Bush Forever land at Koondoola Regional Bushland. It is a very important piece of bushland infrastructure in the area and the City of Wanneroo does a very good job managing that piece of land. There is a sensory path there, if the minister ever wants to go there. There is a school near the park called Burbridge School that teaches kids with disabilities, and the children travel along the sensory path, where they can hear, smell and see different things in the bushland. It is used particularly by people in wheelchairs and with other disabilities.

The fire in 2012 had such a major impact on properties in the area that it damaged back garden fences. People were standing on their houses pouring water over the fences to try to stop that fire. I understand those fences do not back onto Bush Forever land at that point but onto Water Corporation plant, but it is considered to be one area; it is all part of the same bush. It is an important piece of infrastructure for bird migration. I am not entirely sure whether some of the housing backs onto that Bush Forever site, but I think it probably does because I think the line between what is Water Corporation land and what is Bush Forever land does not distinguish where the fence lines of properties end and the bushland starts. It was a really concerning time.

Just as an aside, I was not a relatively new member as I had been here for a bit, but it was the first time I had ever had a bushfire in an area that I represented. We had a phone call from an elderly person living in the area who felt very uncomfortable about staying in her house. She was quite a way away from the fire, but she was very concerned and quite stressed about the whole thing. A variety of phone calls were made to local government, FESA and the Department of Health but no-one would shift her; no-one would do anything. We ended up getting a volunteer to take her somewhere for the day. The lack of communication to the local member for the area so that I could advise anyone ringing in asking what was going on and what they should do was really concerning for me. I raised it with the minister at the time.

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The other thing that was really concerning is that when I doorknocked after the fire, I found that everyone was waiting for the phone call to tell them to get out of their houses. Everyone stayed in their houses and did not leave. They all thought that they would get either a knock on the door from the fire brigade to get them out of their house or a phone call. No-one left their houses. They were at quite considerable risk. That is an aside to what we are talking about today.

The “Planning for Bushfire Risk Management Guidelines” state —

Where no State or local government map is available, all land within 100 metres of an area of bushfire-prone vegetation that is equal to or greater than one hectare —

I remind the minister that there are 137 hectares of bush in Koondoola —

will be classified as being bushfire-prone for the purposes of applying SPP 3.7.

Then I looked at the flow chart, which asks —

Is the property 100m or less from bushfire-prone vegetation that covers an area equal to or greater than 1 hectare?

Clearly, it is because the back fences back onto the area. If the answer is yes, what do I do then? It states —

A Bushfire Attack Level ... assessment, as described in Australian Standard 3959 ...

The minister knows that I have a little bee in my bonnet —

Mr J.M. Francis: When your Whip gave me the chamber list, I was surprised that you were not going to be on your feet.

Ms J.M. FREEMAN: The minister would know that when I see reference to that Australian Standard, I get to my feet and point out that the —

Mr J.M. Francis: Not like the good old days.

Ms J.M. FREEMAN: That is right. The foundation for making laws in this place is the capacity of the people for whom we make laws to fully understand them and get access to them. If we refer them to an Australian Standard—we know that Standards Australia is a private company and it costs money to get a copy of an Australian Standard—the department that chooses to refer to that Australian Standard has to make it publicly available at no cost. If it is not made available, those good people whom we put ourselves before and hope to govern for cannot comply with legislation, regulations or procedures that we put before them because they cannot get access to it. During the minister’s response to this part of my speech, other than looking at Koondoola and making a general response to many members about Bush Forever land, I would like him to clarify where Australian Standard 3959 will be publicly available. How will people know it is available?

Ms M.M. Quirk: Member, I don’t think you were here earlier today but the Victorian royal commission actually recommended that it be provided free.

Ms J.M. FREEMAN: I was actually here. I think I was in the chair when the member was saying that. I probably was not listening as well as I should have. I apologise for that.

I notice that if landowners are in doubt, they should seek the advice of a fire consultant or a relevant local government. We should not have to pay to comply with a piece of legislation that is about our safety because, frankly, we might choose not to pay for that.

Koondoola is about to undergo zoning changes. The City of Wanneroo has not rezoned Koondoola for a very long time because it has witnessed what has happened in other low-cost communities in that northern suburbs area. All these developers come in and knock down houses on large blocks and build multiple units that are really about making a profit and not really about making a community. The Wanneroo council has gone through an arduous process to ensure that the zoning will create communities. Developers will not be able to just knock down houses that create a viable community and replace them with developments that profit from rezoning. The council is about to go through those redevelopment processes. I assume that if someone has an existing property and they choose to redevelop it or a developer redevelops one of these properties, they will probably have to comply with Australian Standard 3959 and state planning policy 3.7. It would be especially important for Koondoola residents to be made aware of the impacts of that, because there are impacts on those properties.

There is also a large tract of bushland in Mirrabooka. I would suggest that it is bigger than the Koondoola bushland, but in the short amount of time I had to prepare my speech, I could not find out how many hectares it is. I do not think it has the same situation in which houses abut it, but there is a school right in the middle of it.

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The school builds buildings and stuff like that. There are a couple of playing fields between the bushland and the school, but some parts of the school are within the bushland. There is also a church within the bushland. I understand that the Australian Standard does not apply if there is an existing building, but if the school builds a new property, it does apply to it.

Mr J.M. Francis: It applies only to residential buildings that you live in. It does not apply to commercial or industrial buildings or schools—something that is really just occupied during the day when people are away, because they can leave.

Ms J.M. FREEMAN: Is the minister saying that a school is not occupied during the day?

Mr J.M. Francis: No, it is only occupied during the day. People do not sleep overnight in classrooms. It is residential dwellings.

Ms J.M. FREEMAN: I understand, because we would be able to get people out et cetera. I think we will find that in most cases there is a 100-metre buffer. It is quite interesting that the Mirrabooka bushland is not managed by the local government, unlike the Koondoola bushland, which is managed by the City of Wanneroo. The Mirrabooka bushland is managed by the Western Australian Planning Commission under Bush Forever. It is very poorly managed. I say that because homeless people repeatedly camp in the bush, which creates fire hazards in its own right. It creates a whole bunch of hazards—community safety hazards, health hazards in terms of sanitation and quite extreme fire hazards. The City of Stirling cannot go in and take people out. It cannot stop people camping there because the land does not belong to the City of Stirling. The Department of Planning does take action, but it takes longer. That piece of land needs a proper management plan for the ongoing safety of the community in terms of bushfire. Given that that comes under the Department of Planning, I would have thought that the minister's department could talk to the Department of Planning about that.

The other thing I want to raise with the minister is a major development that is no longer in the electorate that I represent. I am talking about the Dianella bushland. The Channel Seven site is about to be developed; the buildings are being knocked down as we speak. It is across the road from a bushland area that is much smaller than the other two bits of bushland. Koondoola is 137 hectares; this one is about 50 hectares, maybe less. The intention is to sell lots and build houses on the Channel Seven site, right across from that bushland. It is quite important, from this perspective, that people are fully aware of the expectations. People buying land in Dianella are not expecting that they will be in a fire-prone area. This is a beautiful piece of bushland. It recently had some kangaroos on it that had to be removed because of the development. It is the closest family of kangaroos to the City of Perth. When people asked whether I have kangaroos jumping down my street, I could say yes—just down the road. The kangaroos have had to be taken out because of the impending development, and the developer was worried about the safety of kangaroos, which was contentious in itself. I am telling this to the Minister for Emergency Services, so that his department can talk to the departments dealing with this development. We might advertise, but whether people know or not is another thing entirely.

MR J.M. FRANCIS (Jandakot — Minister for Emergency Services) [3.51 pm] — in reply: I thank members opposite for their contributions to the debate on the Fire and Emergency Services Amendment Bill 2015. I will say from the outset that, although this is a very short bill, it has very complicated ramifications for multiple departments. I will try to address most of the issues raised by opposition members, but I hazard a guess, because I am no expert on planning like the Minister for Planning, that I will have to seek advice from advisers from the Department of Planning in particular, that we will be looking at going into consideration in detail. That will be the member for Girrawheen's call, but I will do my best with the emergency services side of things.

As we know, and as everyone has mentioned, this legislation came out of recommendation 3 in the Keelty review, following the Perth hills bushfires. The original recommendation was essentially that the Western Australian Planning Commission should designate and declare bushfire-prone areas, which would trigger different building standards in those areas to make new structures safer and far more bushfire resilient. A lot of local governments already force new building development applications to meet a different Australian standard, depending on the bushfire attack level. All credit should go to those local governments. I am going to have more flashbacks to my time on the Joint Standing Committee on Delegated Legislation, member for Mirrabooka! Some local governments do this, but others do not, and we need a uniform standard and application across the state of Western Australia. This is the right thing to do, and the opposition sees that, and I acknowledge its support for this legislation.

To make it crystal clear, this legislation is not retrospective. It will not apply to existing houses; it is only for new residential dwellings, and only for those dwellings in bushfire-prone areas or within 100 metres of such areas. A lot of members raised this issue of 100 metres, and obviously we have to draw a line in the sand, to delineate what is and is not at risk. I mentioned by way of interjection a recent example that was at the top of my mind; that is, the Banjup fires last year. I think three, four or five houses were damaged in my own electorate.

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One house sustained damage to its ceiling through an ember attack under a tiled roof, but the other three or four houses were in suburbia, in Atwell, on the western side of the road opposite the bush. There was a firebreak, a cleared area, an easement and a road, but still houses within 100 metres of that bushland suffered significant damage because of ember attack into evaporative air-conditioning systems, which is another issue. One of the standards will apply to air-conditioning safety. We cast our minds back—I cannot remember the year, but I think it was in the mid-1990s—to the fire emergency in Canberra. A fairly big bushfire came down the road and caught hold in the residential part of Canberra. I cannot remember the number, but I know a significant number of houses in suburbia were lost.

Ms M.M. Quirk: Can I just ask a question about 100 metres? From what you are saying, it sounds like that is an arbitrary distance. For example, if you're in a residential area, the general rule is 20 metres, but now you're saying that in this case it will be 100.

Mr J.M. FRANCIS: We are saying it will be 100 metres. It is based on assessment of where the risk is as far as where the fuel load is, and where the bush could possibly burn to in those areas of that very open fringe, into effectively the four by twos of suburbia. If a house is 40 metres or more from the bush, that does not mean its air conditioning cannot suffer an attack by sucking in a burning ember. Any other part of the house might be affected, such as fences or a backyard gazebo. We have to draw a line in the sand somewhere through this bill.

Ms M.M. Quirk: But it is not based on any figure that the Bushfire Cooperative Research Centre or anything like it has suggested.

Mr J.M. FRANCIS: It would be wrong to apply it across the entire area of suburbia. We accept that this will put an additional cost on new building applications, and the line must be drawn somewhere, so it was determined that 100 metres would be that line.

The next thing I want to mention is the issue of maps. I accept that the maps are not available right now; they are being finalised by the Office of Bushfire Risk Management, and they will obviously be decreed by the commissioner. The maps will be ever evolving, and reviewed every six months. A lot of people have raised the issue—we will get onto the planning implications during consideration in detail—that there may be a proposed development in a particular area at one point in time, but the next year, or two or three years down the track, it is known that the fuel load in that area will be bulldozed and suburban houses will be built. Where do we draw that line? Equally, it should be noted that land that might be cleared now can easily be rehabilitated and planted out with trees, and then a new fuel load grows, just as a fuel load can be removed. For that reason, maps will be reviewed every six months. There is a right of appeal via the Building Commission and the State Administrative Tribunal. There are obviously a number of different issues, which we will go into, about what happens with proposed extensions. A few people have raised the issue of a house that at the moment obviously does not comply.

The member for Maylands asked how this legislation would affect her. Considering the local government area that she lives in and the fact that she has an existing house, this legislation will not impact on her in any way. However, I will not hesitate to say that I have had a couple of conversations with the insurance industry on this matter, and I have found that insurers of bricks and mortar houses are getting a bit smarter and more skilled in determining risk. Everyone has accurate maps, and there is also Google maps at the very least. They can see where a house is and, from aerial observation, determine what the rough fuel load is around that house. They can make an assessment quite easily of the risks and costs of an insurance contract. Although this legislation is not retrospective, I would expect that, for existing houses in bushfire-prone areas with large fuel loads around them, at some point in the future insurance companies will determine that such houses that do not meet a particular standard, such as still having plastic downpipes and fibreglass flyscreens and lacking screens over evaporative air conditioning and all the other things that will be triggered under the AS3959 standard, would be subject to higher premiums. There would be more risk than there would be with, say, the member for Girrawheen, who has exactly the same kind of house but has spent a few thousand dollars upgrading the standard of her house. That happens to a degree already when insurers ask someone where they live—what postcode they live in. Even when someone takes out motor vehicle insurance, insurers look at the risk of the area they live in. Obviously, I expect insurers to make a commercial decision in the future. I am very aware of the impact that even decreeing these areas will have on houses, but in particular houses that are yet to be built.

I will quickly go through some comments that members made, because there were some interesting observations. The member for Mandurah spoke about Waroona and the fire earlier this year. I was there during the fire, and I think we lost one house on the eastern side of the scarp. Any house is someone's home and a loss is a tragedy for that particular family. The house that was lost in Waroona was a timber house—pretty much a log house—built amongst the trees and it was very difficult for firefighters to defend. I raise that example because, although this legislation is not retrospective, the advice I have indicates that if a house that did not meet a particular standard because it was not required to and was rebuilt after it had burnt down, it would need to meet the new

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standards. A cost would be added to that and, as we know, the estimates are somewhere between \$4 000 and \$10 000, maybe higher, for every house. That would depend on the kinds of amendments that are needed to the building, depending on the bushfire attack level that has been determined for that particular development. My caution for people who live in a bushfire-prone area, when it gets declared, is to ensure that they are not underinsured and that they are aware that their current house might be worth \$150 000 to replace right now, but if it burnt down in two years' time, all things being equal, it might cost \$4 000 to \$10 000 more, or a bit more, to replace. Obviously, there is nothing the government can determine with underinsurance, but I guess we have to help communicate that message to people as well.

If the member for Gosnells needs to go, I will touch on the key issue he raised so he can duck out. He raised an issue that I do not agree with him on, to be honest. He raised the issue of what happens in a bushfire-prone area where the fuel load is so intense, and he suggested that people should never, ever be allowed to build in such an area. Under the new planning policy, the first thing that should be done is to provide adequate egress and ingress roads. I cannot think of an example of a local government area that would approve a development or an estate without adequate egress and ingress roads. The different bushfire attack levels range from low to BAL-12.5 and go all the way up to BAL-40, and beyond that is the BAL flame zone, in which there is an extremely high risk of ember attack and burning debris ignited by wind-borne embers and a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from the fire front. If someone owns land, they will have some kind of assumed property rights if they want to build a house. If they still choose to build a house, no matter what the BAL is determined to be, and they want to take that risk, it will cost them more than someone else building in the lower BAL zones and that is a decision they will make.

Mr C.J. Tallentire: It was more about subdivisions. I agree with you on that point.

Mr J.M. FRANCIS: Okay; so what about a developer who has bought a parcel of land in order to subdivide? Whether it be a single landholder or a landholder of large amounts of potential lots —

Mr C.J. Tallentire: They buy land that is rural zoned and then they hope to get that zoned urban, so they are speculating on that zone change anyway. My point is that the land might not be suitable for urban development.

Mr J.M. FRANCIS: The property right principle would apply to the developer who has bought the land in the same way as it would apply to someone who owns a single block—a five-acre block or a 20-acre block somewhere—regardless of its size, and still wants to exercise their right to build a dwelling on it. The point is that the higher the risk, the higher the standard that the building will have to comply with and the higher the cost. If the person still makes that decision, on principle, I do not believe we should stand in their way, as long as they are aware, as they would be very aware, that it will cost them a significant amount more to build an effectively fireproof house. That is their call. I do not agree—we might just have agree to disagree—that in certain areas building should be banned because of the risk. That is also worth noting because a lot of houses, especially in the Perth hills and in the south west, would be in a BAL flame zone at the moment.

The member for Armadale also spoke about the distance from bushfire-prone areas and what would be declared within those 100 metres. One of the things we will get to in consideration in detail, when I get some advice from Planning, member for Girrawheen, is the fact that when this comes into force, a person who owns a house that does not meet the standard because it is an existing structure may want to add an extension or an outbuilding to it. This legislation will not apply to sheds, but there may well be circumstances in which someone wants to build a shed in very close proximity to a house or wants to put an extension on the house that will take it towards the flame zone, rather than away from it. If that were the case, I would expect that modifications would have to be made to the building structure. Therefore, to a degree, that will be part of this as well, but I will take advice on that.

Other members raised some issues that were not really relevant to the bill, but I want to touch on a couple of them, because I think they are worthwhile and certainly worth noting. The member for West Swan talked about text messaging services during bushfire incidents and she spoke about a fire in her electorate. It is worth noting that Telstra and the telcos charge the state every single time we send a message. It is not an excuse for us not doing it—we still do it anyway—but there is an ongoing battle that we are about to address on the cost that the state pays Telstra and others to use the SMS service. I philosophically believe that the telecommunications companies should provide that service for free as a community service obligation. The SMSs during the incident the member for West Swan referred to did not go out because it was a watch and act, not an emergency declaration. However, I acknowledge that the technology is still not perfect. When the Banjup fires happened at the start of last year, I had two phones—a personal phone and a work phone—both on Telstra, both the same model iPhone and both in the same pocket of my pants. One went off with the message an hour before the other one and I still cannot work out rhyme or reason why that happened, but I guess that is one of the glitches in technology, and no doubt in the future, it will evolve and get better and faster.

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Another issue that members raised that was not really related to this bill was compelling landowners, in particular other government agencies at multiple levels of government—local, state and federal—to basically manage the fuel load on their own land. Part of the review of the emergency services legislation and the concept paper raised the issue of what we call binding the Crown and whether it should be looked at from a “tenure blind” point of view: we do not really care who owns land; whoever owns the fuel load owns the risk and they should be forced to mitigate it. Obviously, that has some merit, as the cost to the state would be a significant impost, but we are looking at options to work around it so that the minister—for example, it may be the Minister for Emergency Services at the time—has the authority to compel another government agency to do something about a particular fuel load. Where that becomes a legal issue is difficult. When we are talking about commonwealth land, it is obviously very difficult for the state to compel the commonwealth to do something about what may or may not be on its land, but I guess that is an issue for another day. Having said that, I note again—I mentioned this the other day in a brief ministerial statement or something—that the State Emergency Management Committee is doing a review of reduction burning and fuel load minimisation to ensure that that is best targeted next to the risk rather than where it is not so necessarily needed. I expect the committee will report back to me some time in about August or September, and we will make that report available pretty quickly after that. In the meantime, the state will kick on with the fuel reduction exercises and burning at this time—obviously, the prime periods are Autumn and Spring—and the report will help guide us into the future.

The member for Bassendean made some comments about a fire in his electorate earlier this year. He has written me some correspondence and I told him that I replied to it today. He will get that in the next couple of days but it is not really in any way relevant to this legislation.

The member for Mandurah also raised the issue of existing lots. He gave the example of someone who owns an existing lot of 600 square metres in a bushfire-prone area and plans to put a building on it in the coming months or coming year. The answer there is fairly simple: if a building permit already exists in a bushfire-prone area and it is less than four months old, then crack on; it will not apply to them. Someone who owns a block of land and puts in a building application in the same zone in two years will be expected to make sure that the new building complies with the different standard. As the member for West Swan pointed out, this could leave us in a bizarre situation, as some houses in a street built two years ago will have a different standard from some to be built in two years. Some will meet the new standard and some will not. That is the way it will be. Fortunately, this legislation is not retrospective because we acknowledge the unfairness of retrospectively changing the standard on people’s buildings. We acknowledge that it would be unfair for people to be forced to spend, and some people could not afford to spend, \$4 000 to \$10 000 on changing the standard of their building. However, that is the way it will be, because it would be irresponsible for us to continue to make people build houses that do not meet a certain standard in a bushfire-risk area.

The member for Mirrabooka spoke about the land in her electorate and about ensuring that people in Koondoola stay in their house during a fire. This is not related either to the legislation, but I will just cover it. Effectively, during a bushfire, it is the police under the direction of the fire controller who come knocking on someone’s door if they think it is right that they should leave. Firefighters do not go knocking on doors in most circumstances; it is a job that is left to Western Australia Police. However, if a text message does not get sent out, it is probably because it is not an emergency situation.

Ms M.M. Quirk: Random breath testing!

Mr J.M. FRANCIS: Sorry?

Ms M.M. Quirk: It’s all right; it’s for the Minister for Police’s benefit.

Mr J.M. FRANCIS: Effectively, I have also covered the issues raised by the member for Cannington. I have mentioned the legacy lots issue. Before we move into the consideration in detail stage, I will quickly touch on the issue with bushfire attack levels. It might be easier for me to read the following note into *Hansard* for the member for Girrawheen’s benefit. The bushfire attack level—BAL—is a classification of different bushfire intensity levels that a home may be exposed to during a bushfire. A BAL assessment classifies land into six categories based on a combination of vegetation types, fuel load and structure, effective slope of the land and a proposed building’s distance.

Ms M.M. Quirk: I didn’t ask about that because I knew it. I asked about accreditation.

Mr J.M. FRANCIS: Accreditation for?

Ms M.M. Quirk: Accreditation of the people who are making the assessment—the people who are making the BALs.

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Mr J.M. FRANCIS: I will take advice from the Department of Fire and Emergency Services on that, but the four factors they are assessed on is the region where people live, the vegetation type around their property, the distance from their home to individual vegetation types, and the slope on the property.

The very last point I make is that the member for Gosnells also raised the issue of whether it would be right for the Fire and Emergency Services Commissioner to be doing this rather than the Parliament of Western Australia. To be perfectly frank, I have complete faith in the integrity and the independence of the public sector. I am not making that point to have a go at the member for Gosnells; it is just that politicians are more susceptible to lobbying from interest groups, developers, landowners and whomever it might be, than I suspect are public servants of the people of the state. I have complete faith in the fact that this legislation will outline that ability for the Fire and Emergency Services Commissioner to declare those areas. It is the one thing that is slightly different from the recommendation in the Keelty review. As I said, the review recommended that it be invested in the Western Australian Planning Commission. It is not that we do not agree with former Commissioner Keelty; it is that in consideration of advice from the State Solicitor's Office and a number of different agencies, the state believes that the best person to make that call on these areas is actually the Fire and Emergency Services Commissioner. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Ms M.M. QUIRK: This clause deals with the commencement of the legislation. It states —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

Given that the maps are not ready and that this bill is not on the list of bills that the government has indicated in the Legislative Council need to be passed before 30 June, is the minister confident that the maps will be released by 1 September and the regime will be able to commence shortly thereafter?

Mr J.M. FRANCIS: I am advised that the maps were actually finalised in the last week, and as soon as the bill is assented to, the maps will be ready to go.

Ms M.M. QUIRK: Given that the bill is not on the government's list of priorities in the Legislative Council, how confident is the minister that the bill can be passed by 1 September?

Mr J.M. FRANCIS: I thank the member for Girrawheen. I would not hazard a guess at what the Legislative Council may or may not do. I am confident. On a scale of one to 10, I cannot give the member an answer on that. That will be in the hands of the lords in the other place!

Ms M.M. QUIRK: I ask for clarification for the purposes of local government authorities. They have guidelines that they need to act upon, which commence on 1 September. If the legislation is not passed in the Council by then, the declaration will have no legal effect. What are local government authorities meant to do in those circumstances?

Mr J.M. FRANCIS: To clarify the start date: obviously in May last year, the Minister for Planning released "Draft State Planning Policy 3.7". That will be up for consultation again shortly. The regulations will come into force four months after designation of the maps by the Fire and Emergency Services Commissioner. There has been an awfully long lead time on this. It has had the draft for 12 months now. I cannot envisage too many changes between now and the designation and the release of the maps.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Part 4A inserted —

Ms M.M. QUIRK: This is really the one where the rubber hits the road. A number of issues arose out of the declaration by the commissioner, which I want to canvass with the minister. The first of those is the fact that there is an assertion by developers that, under this scheme, the level of red tape will increase. Is the minister able to respond to that or put his hand on his heart and guarantee it will not lead to further delays and costs on the part of developers?

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Mr J.M. FRANCIS: No, I cannot. My default position is that all regulation is bad and all regulation is evil, and that red tape is bad and we should be avoiding it and repealing it at any cost, but sometimes we come to the realisation that in the interests of community safety and protection, we need to act in certain ways. We need to impose certain conditions on the construction of buildings, in this case to prevent them from being consumed by fire, and in particular residential dwellings. I cannot give the member that commitment. As I said, I do not like any regulation any more than the member does, but sometimes we need to realise that for the sake of community safety the greater interest is served.

Ms M.M. QUIRK: Proposed section 18P(1) refers to the Fire and Emergency Services Commissioner publishing bushfire-prone areas in the *Government Gazette*. I asked this morning whether there would be internet access to the maps and whether people would be able to type in an address, as they can in Victoria, and get the relevant map and zone, and anything else needed.

Mr J.M. FRANCIS: The answer is yes, they will be. The maps will be held on the Department of Fire and Emergency Services' website. The search will allow people to see the same level of detail as in Victoria, such as a street address. Other departments, such as Lands, will have links on their websites to direct people to the DFES website.

Ms M.M. QUIRK: I also asked this morning whether Landgate would have any sort of notation or registrable interest or whatever, if a particular piece of land was on such a zone or how Landgate intended to handle it.

Mr J.M. FRANCIS: Sorry, I forgot to address that in my second reading reply. My understanding is that it will be placed on the title for future developments and on the property interest report for current buildings and landholdings. Any good conveyer in the exchange of land will obviously pick that up in either one of those two circumstances.

Ms M.M. Quirk: Is legislation required to allow that to occur?

Mr J.M. FRANCIS: I am advised that for subdivisions in the future it will require changes to the Western Australian Planning Commission standard conditions. I think that legislation is being progressed at the moment. It is an internal administrative thing for the Western Australian Planning Commission. The answer is that it does not require legislative change; it is happening.

Ms M.M. QUIRK: Is it anticipated that those additional notations on the title will be ready to commence if and when this scheme commences? Will there be any sort of transitional period or gap?

Mr J.M. FRANCIS: I understand that the Western Australian Planning Commission is not planning on that; it is aiming for it. It expects to have it done by the time the four-month period kicks in. I cannot guarantee it, but obviously that is the objective.

Ms M.M. QUIRK: Is the computer system expected to be up and running in the relevant time, and what cost has DFES incurred to institute that system?

Mr J.M. FRANCIS: I will have to take the cost question on notice, member. That is fair enough; we can provide an answer to that.

As far as the actual operation of the computer system involving an address being typed in is concerned, that is in test mode now. It is up and running but it is effectively just being tested for reliability. It will be ready to go at the time this bill is assented to.

Ms M.M. QUIRK: I notice the minister said that the maps are being completed. When will they be released?

Mr J.M. FRANCIS: As I said, they were completed in the last week. They will be released on designation.

Ms M.M. Quirk interjected.

Mr J.M. FRANCIS: As soon as this is assented to, the commissioner can make the declaration that they will be released.

Ms M.M. QUIRK: I also raised the issue of qualifications and accreditation of those who are giving the bushfire attack level assessment. The minister is aware that that is made at a local government level. My issue is that those people will not initially have any accreditation. I know that the Department of Planning has a program in mind but certainly it seems as though the initial assessments will be made by people with no formal accreditation.

Mr J.M. FRANCIS: The Department of Planning advises that it is finalising the accreditation and training package at the moment. The expectation is that the first tranche of people will be trained and accredited by the time the regulations come into effect, so people will be ready to hit the ground as soon as it starts.

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Ms M.M. QUIRK: Who is doing this training and who will give the accreditation? What time is involved in doing this training? What level of training will people need to be exposed to?

Mr J.M. FRANCIS: I am advised that obviously it is a national standard. There is a standard that has to be met by the accreditation organisation, and that is a Western Australia-based standard. It is finalising that at the moment, so I cannot provide the member with the information —

Ms M.M. Quirk: When you saying “finalising”, is it going out to tender or something?

Mr J.M. FRANCIS: My advice is that it will not go out for tender; it will be an appointment process because there will be no funding required by the government or by the department.

Ms M.M. Quirk: So there is a cost attached to this training, obviously?

Mr J.M. FRANCIS: Yes; people who go through the course will have to pay for their own one-week course to earn that accreditation.

Ms M.M. Quirk: And we imagine that most of these people would currently be employed by local government?

Mr J.M. FRANCIS: Not necessarily; in fact, just building consultants.

Ms M.M. Quirk: Building consultants?

Mr J.M. FRANCIS: Sorry; not entirely by local government. There could well be a mix. I would expect most local governments to have at least one person in their planning department to be accredited—absolutely.

Ms M.M. Quirk: So there is a cost that will have to be incurred by local governments to get their officers to be trained?

Mr J.M. FRANCIS: I expect that if it is a one-week course it will not be an overly expensive burden for local government.

Ms M.M. Quirk: So the answer is yes?

Mr J.M. FRANCIS: The answer is yes, but it is a one-week course for anyone, whether they are a private citizen or an employee of local government.

Ms M.M. Quirk: And there has been no provision to assist local government with those costs?

Mr J.M. FRANCIS: No.

Ms M.M. QUIRK: The member for Gosnells raised a good question about the fact that people cannot, effectively, revisit or go behind the commissioner’s decision. There could be a situation whereby a declaration might impact on two or three development applications, so there would be four developers or something having to separately go to the State Administrative Tribunal when it relates to, effectively, the same land or the same declaration. Was any consideration given to being able to appeal the declaration directly from the commissioner; and, if not, why not?

Mr J.M. FRANCIS: I am advised about the Fire and Emergency Services Commissioner—so, the Department of Fire and Emergency Services—that at any time anyone can raise an objection with them. At any time outside the six-monthly review process they can make an amendment if required.

Ms M.M. Quirk: So is that provided for, because I do not see that anywhere? Where is that provided for?

Mr J.M. FRANCIS: I am on proposed section 18P(2), which reads —

The FES Commissioner may, by order published in the *Gazette*, amend or revoke an order published under subsection (1).

That basically implies at any time.

Ms M.M. Quirk: But, minister, that is not a formal, independent review; it is just someone going to the commissioner and saying, “We’d like you to change it.” It is not an independent oversight of his decision.

Mr J.M. FRANCIS: No, it is not.

Ms M.M. Quirk: Okay.

Mr J.M. FRANCIS: No; he is the authority on this.

Ms M.M. QUIRK: As I understand, the Office of Bushfire Risk Management is preparing the maps, and I think I was advised in the briefing provided to me that there was going to be one full-time equivalent extra and \$50 000 to get this process into operation and implementation. Is the minister confident that that will be enough?

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Mr J.M. FRANCIS: The answer is yes. The Department of Fire and Emergency Services is confident. It did engage, on top of that one particular FTE, by contract, Landgate to assist it with that particular process.

Ms M.M. QUIRK: For clarification, minister: I think the briefing I was given suggested that the maps would be amended once a year, but I think the minister has talked today about it being once every six months.

Mr J.M. FRANCIS: I am advised that it will happen every six months, and if there is obviously an error and there is an oversight for whatever particular reason, it can be reviewed instantly within that six-month time frame.

Ms M.M. QUIRK: The member for Mirrabooka and I both talked about Australian Standard 3959 of the Building Code of Australia. Is the minister going to make that available freely in some form? Have there been any formal discussions with SAI Global, which I think owns the copyright to the building code as to how that might be achieved?

Mr J.M. FRANCIS: I am advised that one of the recommendations that came out of the Victorian royal commission was that those standards would be made free to the people of Victoria. Also, following that, the Victorian government and the standard provider could not come to an agreement to facilitate that. But certainly in Western Australia it will be freely available to members of the public at a number of different locations, but primarily the WorkSafe Western Australia library at Cannington, so that people can go and have a look at that. I know that it is a frustrating and annoying answer, but until an agreement can obviously be reached for it to be published online, it is probably the best that can be done at the moment. I will undertake to continue to this; I do sense the frustration.

Ms M.M. QUIRK: Minister, I actually asked what discussions have been held or what progress or what work had been done to see about facilitating that, not where we can currently look at a hard copy. Does the minister appreciate that that is highly unsatisfactory?

Mr J.M. FRANCIS: Yes. I am trying to understand the conversation as I am going, but I can tell the member that the Western Australian Planning Commission does encourage local governments to make it freely available to people who want to see it.

Ms M.M. Quirk: What form has that encouragement taken?

Mr J.M. FRANCIS: It is in the bushfire guidelines. Obviously, there is still room to move and a bit of work required on this one. I can sense the anger in the member for Girrawheen growing—I have seen it for many years.

Ms M.M. QUIRK: Minister, it is usually standard practice to have a review clause in legislation. I intended to draft something, but I am afraid other things intervened. If a review clause were to be put into the legislation as an amendment in the upper house, would the minister give it favourable consideration?

The ACTING SPEAKER (Mr I.M. Britza): Minister, I just need to encourage you to speak up, they are struggling to hear you.

Mr J.M. FRANCIS: Certainly, Mr Acting Speaker. Sorry.

Member for Girrawheen, I had thought about that myself, but considering this is a pretty clear direct recommendation from the Keelty review, the intention is to just crack on and do it. I do not think there is a requirement for a review clause. Any review to come out of this would effectively water down what we are trying to do and be inherently unfair for those who build houses that comply with a particular standard. Certainly, it is incumbent on all governments to look at legislation from time to time, but I cannot foresee the need for a review clause in this legislation.

Ms M.M. QUIRK: In that context, does the minister accept that there may be unintended consequences of this legislation, that there are a number of contentious issues we can only speculate about and that we may have better information about how we can streamline the system after a period of three or five years? Why does the minister object to what seems to be a reasonable suggestion to make the system work more effectively?

Mr J.M. FRANCIS: I have given that some thought. Member for Girrawheen, if there are any anomalies, I am sure they can be ironed out through regulation and by the commissioner's application of the bushfire-prone areas guidelines when he makes those determinations. As the member would know, there are a number of parliamentary committees and joint committees of both houses that at any time in the future could look at this legislation. I cannot see the requirement to specify a review clause in the legislation.

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Ms M.M. QUIRK: Am I to take the minister's refusal to contemplate such a provision at this stage as encouragement to me to ensure the matter goes to an upper house committee to examine the matter at length and in detail?

Mr J.M. FRANCIS: No, the member for Girrawheen is not to take it that way.

Clause put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr J. Francis (Minister for Emergency Services)**, and transmitted to the Council.