

Speaker; Mr Eric Ripper; Mr Roger Cook; Mr Rob Johnson; Ms Margaret Quirk; Mr Tony Simpson; Mr Colin Barnett; Mr Joe Francis; Mrs Michelle Roberts

ROLEYSTONE–KELMSCOTT BUSHFIRES — GOVERNMENT MISMANAGEMENT

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms —

Dear Mr Speaker,

...

I wish to raise the following as a matter of public interest today.

“That the House —

Condemns the Premier and Minister for Police; Emergency Services for the Government’s gross mismanagement of the Roleystone–Kelmscott bushfires and subsequent inquiries.

Members, the matter appears to me to be in order. If at least five members will stand in support of the matter being discussed —

[At least five members rose in their places.]

The SPEAKER: I note that there are; the matter can proceed.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [2.58 pm]: I move —

That the house condemns the Premier and Minister for Police; Emergency Services for the government’s gross mismanagement of the Roleystone–Kelmscott bushfires and subsequent inquiries.

Two sensational developments have occurred since the house last discussed these issues. We have had the damaging Fire and Emergency Services Authority response to the Keelty inquiry report and the debacle of the total fire ban on the day having been declared invalidly. In the past four days, the Premier and two of his ministers have been in a media blackout. That is not what the public of Western Australia wants; it wants accountable ministers in control; it does not want ministers in hiding. We have a government that is drowning in a swamp of incompetence on this issue. It cannot even declare a total fire ban and make it stick legally. This is something that the tiniest Wheatbelt shire used to be able to do before the minister took control of the issue in the legislation in 2009. We have a broken promise; the Premier promised the people of Western Australia open government, honest government and accountable government. What he has delivered is secretive government, dishonest government and arrogant government, and that has been revealed on this issue over and again. Moreover, the ministers responsible in this government have behaved like a pack of bumbling fools on this issue. The Premier attacked WA Labor for calling for an inquiry in the wake of the Roleystone–Kelmscott bushfire. He attacked us. Later on, he did call an inquiry; he had to be dragged to call the inquiry that the Labor Party demanded as soon as the seriousness of the fire became apparent. How credible does the Premier’s attack on WA Labor, for daring to call for an inquiry, look now? We have now seen what has come out of the Keelty inquiry and the Fire and Emergency Services Authority’s response. If the government had managed the inquiry process properly, we would have closure on this issue, we would have clarity and we would have a clear path to reform. Instead, we have a bumbling minister and an arrogant Premier, and they have destroyed the prospect of clarity, closure and a clear path forward.

The FESA response is very, very powerful, and I urge those members who have not read the FESA response to go onto the website of *The West Australian* and have a look at this document. FESA accused the Keelty inquiry of a lack of procedural fairness; perceived and actual bias; and predetermined outcomes prior to hearing evidence. FESA also criticised the language and content of the report, and factual inaccuracies. Those are very strong criticisms of the process of the inquiry. The FESA response goes on to attack two specific findings. First, the finding of the Keelty inquiry that the Department of Environment and Conservation was advised late about the fires, and was not asked to provide assistance. The FESA response says that it has date and time stamped radio recordings that give the lie to the DEC evidence and to the Keelty finding on the basis of that evidence.

Remarkably, it would seem that we have a Premier, a Minister for Emergency Services and a Minister for Environment who have not bothered to check that evidence and go back to see whether senior officers of DEC were telling the truth to the Keelty inquiry. They have not bothered to check a very strong allegation, claimed to be backed by concrete evidence, that the inquiry has made a mistake and that, moreover, the inquiry has been misled.

Again, we have FESA saying categorically that the police commissioner was advised on several occasions on the Sunday afternoon, when he was at the cricket, about the developing damage caused by the fire. The Minister for

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Emergency Services, who is also Minister for Police, got this information and, it appears, did not do anything about it. He did not go to the police commissioner and say, “Well, look: this seems to be contrary to what you’ve said. What’s your answer?” The minister did not actually exercise any accountability responsibility.

I was always of the view that either the minister had not provided the FESA response to the Premier, or that the Premier was not telling the truth when claims were made on his behalf that he had been fully briefed on the FESA response only last Friday, and that he was furious when he was fully briefed. Now I find, as a result of questions asked in this house, that the Premier has taken the remarkable position that, yes, he did receive these important documents, but that, no, he did not bother to read them. That is grossly irresponsible; it was cavalier of the Premier and his ministerial colleagues to have not read these powerful criticisms of the Keely inquiry’s process, and these powerful challenges to the inquiry’s factual findings.

How can the government make a responsible decision when the Premier decides, as a matter of principle, that he is not going to read any material that contradicts the claims on which he is going to make his decision? There is a cabinet process that is in place for a very good reason: when any action is recommended to the cabinet, effective agencies get the opportunity to put in a formal cabinet comment. Why is that element in the cabinet process? Why is there a 10-day rule? It is to make sure that all perspectives are considered before the government makes its decision.

Even if the substance of the FESA criticisms had not been put in a formal cabinet comment, one would have expected that any decent minister, any competent minister, would have briefed the cabinet on what his agency had to say about the very negative and damaging findings of an inquiry into its conduct. So I find it very surprising and, in fact, very hard to believe, that people can claim on the Premier’s behalf that he was only fully briefed on the FESA response on Friday last week, because we now know that it was in his office. I know, from the cabinet process, that it is highly likely—unless the cabinet process is a shambles under this government—that a formal FESA cabinet comment would have been before cabinet, and I expect that even this incompetent, bumbling fool of a minister would have been able to brief cabinet on FESA’s response as the issue was discussed.

These issues go to the credibility of the Premier and his staff. I would have thought that the Premier would have had at least four opportunities to be apprised of the substance of FESA’s arguments—the material given to him by the Public Sector Commissioner; the material given to him by the Minister for Police; the informal cabinet comment, if the minister was up to it; and the formal cabinet comment. I cannot believe that the Premier was only fully briefed on this issue last Friday, and I am just staggered by the Premier’s appallingly cavalier argument that somehow or other, as a matter of principle, he does not read contradictory information just in case it diverts him from his predetermined course of action! That is not responsible decision making; that is absolutely terrible. That is the Premier handballing his responsibility as Premier to Mick Keely. The Premier may as well have sent Mick Keely a cheque reimbursing him for his Premier’s salary, if that is the way he is going to conduct business. The Premier has a responsibility to give the agency’s response due consideration.

What we had was the Public Sector Commissioner, on legal advice, giving the agency, as part of natural justice, the ability to make a response. Then we had the actual decision maker saying, “On principle, we’re not going to read the responses.” Well, what is the point? Where is the natural justice if the agency is asked to make a response that the actual decision makers declare that they will not read, as a matter of principle?

Mr C.J. Barnett: If the Public Sector Commissioner thought there was a point, he would have advised me accordingly.

Mr E.S. RIPPER: Take responsibility! Do not hide behind the Public Sector Commissioner. The Premier goes into hiding whenever the heat goes on; he blames Canberra, he blames the previous government, he refuses to appear before cameras, and now he is blaming the Public Sector Commissioner. He has to take responsibility.

Point of Order

Mr C.J. BARNETT: I have not, in any sense, blamed the Public Sector Commissioner, and I ask that that be corrected.

Mr M. McGOWAN: Mr Speaker, that is an abuse of the process of the Parliament, and I ask that you call the Premier to order.

The SPEAKER: I am not going to call the Premier to order—nor am I going to take that point of order. I am going to ask the Leader of the Opposition to address the motion before the house.

Debate Resumed

Mr E.S. RIPPER: I am asked at press conferences who I trust on this issue, because we have absolutely contradictory evidence being given by FESA and by DEC in one set of circumstances, and contradictory

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evidence given by the police commissioner and by DEC. I do not know who amongst those public servants I can trust on this issue; what I do know is that I do not trust this government to tell the truth about this issue, I do not trust this government to be accountable on this issue, and I do not trust this government to be competent on this issue. We are, no doubt, facing a very serious bushfire season. What a terrifying prospect for the people of Western Australia that this minister stays in charge of the relevant firefighting agency. What a terrifying prospect for our people.

Premier, everyone in this house knows that the minister has to go. Everyone expects that the minister will go. Why will the Premier not take action now and do his duty as a Premier: uphold standards in his government and give the public confidence about the future of firefighting in this state?

Mr C.J. Barnett interjected.

Mr E.S. RIPPER: Standards; exactly. The Liberal Party ran on standards, it ran on being open, honest and accountable. The Premier has broken that promise and now he is breaking his promise on competence in his own government.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [3.10 pm]: This matter comes down to a question of accountability—the accountability of an incompetent minister. It comes down to a question of trust—the trust of the WA people, who, for the next bushfire season, will be in the hands of this incompetent minister. It also comes down to a question of leadership—the leadership of this Premier and whether he is up to the task of removing an incompetent, bumbling and lurching minister who is an embarrassment to this government and to the people of Western Australia. Once again we are in this chamber picking over the bones of a minister, who, week in, week out, bumbles and lurches from crisis to crisis in the departments for which he is supposed to maintain a level of leadership. He is gone; we know he is gone! He is a rotten piece of fruit that needs to be picked off the tree for the sake of the rest of the tree. We know he is gone, but what we do not know is how the Premier will respond to the challenges of leadership that this bumbling and incompetent minister represents.

Today we have had an admission from the Minister for Emergency Services that his office received the Keely report in June this year. It was forwarded to the Premier's office in July this year. Even though the government knew about the inaccuracies challenged in the Keely report, it failed to reveal to the people of Western Australia those serious challenges. We have a Premier who, in an exercise of constructed ignorance, does not even read the response and does not even read the report from the Fire and Emergency Services Authority—a report and a response that calls into serious doubt the accuracy and bias that FESA perceived and acknowledged in the Keely report. We have a Premier who, in the weekend's paper, says that he is furious with the Commissioner of Police as a result of what he now sees as a case to answer. We believe the Premier has a case to answer. Why was he only briefed, as *The West Australian* reports, on the FESA response on Friday when clearly the minister's office and the Premier's office have had that report since June or July?

Mr C.J. Barnett: Can I say one thing: I was absolutely not furious. That is a complete fabrication. I was not furious at all on Friday.

Mr R.H. COOK: It is reported.

Mr E.S. Ripper: So that was a complete fabrication by whom?

Mr C.J. Barnett: Not fabrication; that is probably the wrong word. *The West Australian* was totally false in suggesting I was furious. I was absolutely not furious at all. I was not even angry.

Mr R.H. COOK: And the Premier was not demanding answers from the Commissioner of Police, Karl O'Callaghan?

Mr C.J. Barnett: Sorry, what was that?

Mr R.H. COOK: "A furious Colin Barnett was last night demanding answers from Police Commissioner Karl O'Callaghan" —

Mr C.J. Barnett: That is just not true. In fact, when that newspaper report appeared, I took the time early in the morning to ring Karl O'Callaghan to tell him that it was not the case at all.

Mr E.S. Ripper: You are saying *The West* made it up?

Mr C.J. Barnett: It is wrong; it was just totally wrong. I was simply not furious. I can get angry, I do admit that, but I was not angry—certainly not furious. *The West* is wrong, and you are wrong.

Mr R.H. COOK: As we are discovering over this sad, sorry and rotten affair, we are now descending into farce. We have a minister who is incapable of informing his Premier that there are serious questions over the accuracy of the Keely report and a Premier who, through constructed ignorance, refuses to read the FESA response which

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calls into very serious doubt and makes very serious allegations about the Keelty report. As I said, we know what is going to happen to the Minister for Emergency Services—he is gone! There is consensus around that. That is widely acknowledged. What we do not know is how the Premier will respond to that. We know that we cannot risk a minister who cannot manage the very basics of his brief. The community cannot afford such a minister in the face of a renewed bushfire season, in this increasingly arid and dangerous environment for Perth and outer metropolitan residents. We cannot afford a minister who continues, through his incompetence, to erode the relationship between himself, the police commissioner, the department for emergency services and other agencies of this government. It is time the Premier stood; it is time for the Premier to act because, if he does not, he has failed the very basic test of leadership to the people of Western Australia.

MR R.F. JOHNSON (Hillarys — Minister for Emergency Services) [3.15 pm]: I will start my comments by referring to and addressing the comments made by the Leader of the Opposition, and indeed the Deputy Leader of the Opposition, in which they both used quite colourful language. I have never quite heard those sorts of descriptions from that side of the house to anybody on this side of the house, even when we were over that side. Can I just say, as far as the Leader of the Opposition goes, he is less popular than Julia Gillard, yet he has the affront to come in here, with a holier-than-thou look on his face and make the comments he made! The Leader of the Opposition should be ashamed of himself.

Let me start by simply saying that I am aware that the Leader of the Opposition and his sidekicks have continuously asked for my resignation and they have continuously asked for me to be sacked. The standards of people on this side of the house are completely different from the standards on the opposition side. Let me get close to home: when the Leader of the Opposition was responsible for certain things, did he ever resign or did the opposition ask for him to be sacked? On 18 February 2004—the Leader of the Opposition remembers it well; it was black Wednesday—the state plunged into darkness. A Third World country was what we were seeing. The Leader of the Opposition refused to accept responsibility. He blamed it on the authority.

Mr E.S. Ripper: That is not true.

Mr R.F. JOHNSON: The Leader of the Opposition did not accept any responsibility whatsoever. In fact he sacked the chairman of Western Power and the CEO because they refused to resign.

Even closer to home—not quite closer, but close to home—Hon Ljiljanna Ravlich, when she was education minister, when the Corruption and Crime Commission report revealed that allegations of sexual abuse against state schoolteachers were not being properly investigated by the department, Ms Ravlich refused to accept responsibility for the department's failings, saying she only found out about the investigation when the CCC briefed her four days before the report's release. But, of course, the truth normally comes out. The then Director General of the Department of Education and Training, Paul Albert—who was dumped after the report's release—told a parliamentary committee he had told Ms Ravlich on at least three occasions about the CCC probe. Did she stand down? Did she accept any responsibility whatsoever? No.

Member for Midland: 10 June 2004, a date she should remember, nine prisoners escaped from the Supreme Court building in Perth in what was known as “the great escape”. A safety report was written by the Inspector of Custodial Services in 2001. The report described security at the Supreme Court as inadequate and said improvements were urgently needed.

Opposition members interjected.

Mr R.F. JOHNSON: Members opposite do not like it! The report said it would not be hard for prisoners to get away —

Several members interjected.

The SPEAKER: Members, there is enough time in this matter of public interest for quite a few people in this place to make a contribution if they would like to do so. All you need to do is get to your feet and seek the call. The minister got to his feet and sought the call, and I have given it to him. He is the person who I want to hear from at this point.

Mr R.F. JOHNSON: The then justice minister, the member for Midland, blamed the department, saying no-one had told her about any security risks. That was absolutely untrue—the Inspector of Custodial Services did. Did she resign? Did she stand down? No, because she was a Labor minister!

Let us move over to the member for Girrawheen when she was the minister for justice. I do not think any of those members should have resigned, including the member for Girrawheen. She knows what I am going to talk about—the substandard vehicles that were being used to transport prisoners, in which a person died. Did the member for Girrawheen offer to resign? No; she did not, and I do not blame her.

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Ms M.M. Quirk: Yes, I did.

Mr R.F. JOHNSON: No, you did not.

Ms M.M. Quirk: I did.

Mr R.F. JOHNSON: No, you did not. The member thought about it for about two seconds. I do not think that she should have resigned, because it was an operational issue, and I understand that. A minister cannot always be responsible for mistakes that are made by people within a department—they make mistakes; they make errors of judgement or whatever. Jeepers! Every minister in the world would resign if that was the case. I do not think the member for Girrawheen should have resigned; I really do not. What I think bears more significance and the issue I am more angry about is that I happen to know that the member for Girrawheen put in a submission to the Leader of the Opposition, when he was Treasurer—a tight-fisted Treasurer—for funding to upgrade those vehicles. Did he give the member that funding? No, he refused it. Therefore, who would I blame more than anyone about that death? I blame the Leader of the Opposition.

Mr M. McGowan: Oh, come on!

Mr R.F. JOHNSON: You do not like the truth; that is the trouble.

I am sure that the member for Girrawheen tried hard to get that funding, and I would not have called for her resignation at all.

We are talking about accountability as well. What about the Community Development and Justice Standing Committee that tabled a report in 2006, which we have heard a bit about today from the Premier? The Labor minister of the day —

Several members interjected.

Mr R.F. JOHNSON: — did nothing with it. He gave a report back to Parliament that said that he had not had time and that people were being consulted. When he did that, it was quite a while after the report had been tabled. Even after all that time and until the following election in 2008, he did nothing. What he did do, in January 2008, when FESA was trying to get some of the report's recommendations implemented, was to send a note back to FESA saying, "Put on hold; we'll deal with this after the next election." The next election then was about 15 months away. These are the sorts of standards of members on the other side of the house, who have the temerity to come into this place and demand my resignation, my sacking and all the rest of it. It is an absolute double standard.

In relation to this particular area, let me outline something. The Kelmscott–Roleystone fire was, of course, a tragic and serious fire, with all those homes lost. But everyone acknowledges—other than perhaps the opposition—the fact that it was an unusual area. It was a subdivided area with residential properties literally sitting amongst bushland, with trees growing over the homes and with bush coming up to the front doors. It was a disaster waiting to happen and that is why Mr Keelty, in his report, talked about shared responsibility. He named the firefighting agencies, local government and the community. Many people want to live that sort of bush lifestyle, and good luck to them; if that is what they want to do, that is fine. But they have to accept the risk, or should have accepted it, and I think many of them do. In fact, somebody said to me, "I live there and I love the trees surrounding my house—I love the bush." They said that they would put a sign outside their front drive saying, "In the event of a fire, please don't risk your lives by coming in here. Move on to somewhere else." They did not want the firefighters to risk their lives by going in and trying to save a house in the sort of fire conditions that existed on the day, with huge gusts of wind coming out of nowhere. With properties in the valley and up on the hills surrounded by bush, it was inevitable. The ferocity of that fire lasted for about three hours, and the residents in that area have publicly said on radio and on television that they do not believe that anyone could have done any more to have saved those properties. Even Mick Keelty says that there can only be speculation as to whether certain actions that did or did not take place, errors of judgement that might have happened or communications would have had any effect on saving any of those homes, and he could not speculate that more would have been burnt. I think that our firefighters, both on the ground and in the air, did a fantastic job that day.

Mr R.H. Cook: They're not in the dock; you are.

Mr R.F. JOHNSON: You are just being stupid and nasty, as you do; I think it is unbecoming of you. I expect that from the bloke next door to the member for Kwinana, but not from him. I do not expect it from him, so I am a bit surprised.

That was the scene of the fire; things were not carried out properly. Even in its submission to the Keelty report, FESA acknowledged that it believed that it was time for a restructure of FESA. FESA believed that and actually put it in its submission to the Keelty report—if members opposite bother to read it, they will see that—and that is what the government is doing. As a government, we commissioned Mick Keelty to carry out an independent

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review; not everyone likes it when that is done. As the Premier has said, the review had the powers of a royal commission, but not everyone likes that at all. Mr Keelty carried out his review, and I had some concerns when I received a copy of the report—such as its tone. The Premier has even said that he has found some of the stuff in it a bit shocking. I found the tone of the report quite unusual, but I was told that that is the way that Mick Keelty writes his reports; he writes them as he speaks. I also had concerns that in the report there were some areas which I think were based on hearsay and for which there was not actual evidence; nevertheless, Mr Keelty was the independent person who wrote the report and the government accepted it because there were many different aspects to it. If members look at the very big spreadsheet of recommendations that I tabled in Parliament today, they will see that nearly all of them were supported by FESA, and they are the ones that I checked on. There were about only four or five recommendations that FESA did not support, and it gave reasons why. I am not empowered to be an inquirer about whether FESA's response was right or the Keelty report was right; that was the province of Mick Keelty and his report—he was independent. I would not have expected FESA to have liked all that was said in the report—of course it would not—and I do not think some of the other people or agencies that were named would have liked what was said about them, but it was a truly —

Mr R.H. Cook: FESA called it factually inaccurate.

Mr R.F. JOHNSON: That is what FESA has said in its response, but whether that is true or not is another matter.

Mr R.H. Cook: That is not disliking; it is actually challenging the basis of the report.

Mr R.F. JOHNSON: It is not for me to investigate what FESA or Mr Keelty said.

Mr E.S. Ripper: Did you say to any of your colleagues, "I've got this pretty robust response from FESA; I am worried about it"? Did you say that?

Mr R.F. JOHNSON: I will not tell the Leader of the Opposition what is said in cabinet. As the Premier has said, I am not prepared —

Mr E.S. Ripper: I am talking about outside cabinet. Did you ring up the Premier and say, "I have got a red-hot response from FESA; I am worried about it"?

Several members interjected.

The SPEAKER: Thank you, members!

Mr R.F. JOHNSON: It would have been totally improper for me, as the minister, to start getting involved and to try to change the report; of course I would not do that.

Mr E.S. Ripper: Change the decision, not the report.

Mr C.J. Barnett: This gives us an insight about how Labor worked in cabinet: phone calls to each other about certain things. It is a very particular insight.

Mr R.F. JOHNSON: Yes, that is the way the Labor Party works; we work very differently. I take my job very seriously.

Mr E.S. Ripper: What, ministers consulting each other, working as a team? A minister who talks to the Premier?

Several members interjected.

Mr R.F. JOHNSON: The opposition is desperate to get into the company of mates upstairs who are desperate to try to claim a scalp, and in this case it wants to claim my scalp; I know that.

Mr F.M. Logan interjected.

Mr R.F. JOHNSON: What about the member for Cockburn when he was energy minister? What happened to the Varanus explosion when he did not allow any reserve gas at all? Did he resign? I do not think so, but many people think so. I can go all through that. We have not had any. Yet the opposition, when in government, had up to five ministers being investigated by the Corruption and Crime Commission.

Several members interjected.

The SPEAKER: Thank you, members!

Mr R.F. JOHNSON: Do not come into this house and try to make all those nasty little snide comments about me, saying dead fish rot from the head. The Leader of the Opposition should know that better than anybody. He is in this place by the good grace of Joe Bullock; that is the only reason he is here. He has two blokes on his right

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who are trying to get his job. The bridesmaid-in-waiting is always waiting; she will never get the job. The Leader of the Opposition will retain his position for a little bit longer.

Mr C.J. Barnett: They are desperate.

Mr R.F. JOHNSON: They are desperate; he is desperate.

Mr M. McGowan interjected.

Mr R.F. JOHNSON: Apparently people call the member for Rockingham “Sneakers”. When I was first told that, I wondered what people meant by “Sneakers”. I did not know what “Sneakers” meant, and when people told me what it meant, I had a horrific image in my mind!

Mr W.J. Johnston: This is dangerous!

Mr R.F. JOHNSON: You want to keep quiet!

Several members interjected.

Mr R.F. JOHNSON: The little voice at the back; I have not touched on him today. I will not touch on the member for Cannington today; I will save him for another day.

Several members interjected.

The SPEAKER: Thank you, members!

Mr R.F. JOHNSON: People talk about total fire bans. It would have been irresponsible of me not to do a delegation to the board that goes to the CEO —

Mr B.S. Wyatt: Well, you didn’t, did you? That’s the problem.

Mr R.F. JOHNSON: Yes, I did. I just tabled a paper in the house; look at it and see. I did the delegation legally, properly and responsibly.

Mr P. Papalia: No, you didn’t.

Mr R.F. JOHNSON: Yes, I did; look at the paper.

Mr W.J. Johnston: What did the court decide? The court got it wrong, did it?

Mr R.F. JOHNSON: I have acted responsibly in that way; I do not have to justify to some of the idiots on the other side of the house whether that was the case. Quite frankly, I found even the member for Girrawheen’s comments this morning bizarre, but not unusual.

I believe that the Keelty report was a very important report. What are we doing about it? We are moving forward. We have adopted those recommendations and, as the Premier said —

Several members interjected.

The SPEAKER: Members!

Mr R.F. JOHNSON: — we will appoint someone to head up that body. What am I doing? It is my responsibility. While all that is happening, an implementation committee is working on the legislative changes— all the things that need to be done —

Mr W.J. Johnston interjected.

Mr R.F. JOHNSON: Do not be stupid; do not be stupid.

Ms M.M. Quirk: What are you doing?

Mr R.F. JOHNSON: What am I doing? I will tell the member for Girrawheen what I am doing. I am working very hard to try to ensure that we are prepared for this coming bushfire season.

Mr T.G. Stephens: You should go back to selling teabags.

Mr R.F. JOHNSON: The member for Pilbara should go into the priesthood or something; he is a waste of space in here. That is what I am doing.

Ms M.M. Quirk: What are you doing?

Mr R.F. JOHNSON: Oh, look.

Several members interjected.

The SPEAKER: Thank you, members!

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Mr R.F. JOHNSON: I am working with the implementation committee to try to ensure that we get the best possible outcome from the Keelty inquiry, and I am confident that we will. I have been saying for some time —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr R.F. JOHNSON: — that I would prefer the structure to be along the lines of the police structure for which there is a commissioner —

Mr E.S. Ripper: Aren't you embarrassed by the long list of mistakes?

Mr R.F. JOHNSON: What mistakes; what mistakes?

Mr E.S. Ripper: You can't even declare a total fire ban.

Mr R.F. JOHNSON: I can.

Ms M.M. Quirk: Why didn't you?

Mr E.S. Ripper: Your agency can't.

Mr R.F. JOHNSON: I have explained.

Mr M. McGowan: Blaming the agency.

Mr R.F. JOHNSON: No, no; I am not blaming —

Several members interjected.

Mr R.F. JOHNSON: I did the right thing; there is no question about that. I am trying to ensure that FESA and all our volunteer brigades, our bush fire brigades and our SES volunteers are prepared for the next bushfire season. That is what I am doing. I am talking to many of them and working through to make sure that they have enough adequate equipment to deal with the fires. I am doing lots of things. I will list them for members one day, but I do not have time today.

MS M.M. QUIRK (Girrawheen) [3.32 pm]: I have been in this house opposite the member for Hillarys, the Minister for Emergency Services, for three years and I suspect the Stockholm syndrome has kicked in, because I kindly and optimistically expected that the minister would explain what his role has been in the management of the Fire and Emergency Services Authority for the past three years. As I will explain shortly, his inactions and omissions, his incompetence and his wilful blindness have led to what happened in the Kelmscott–Roleystone fire. Yes, the weather was particularly bad that day; yes, there was, rightly so, a total fire ban, but elements of what happened in the Kelmscott–Roleystone fire had been identified in previous reports, previous studies, and previous recommendations, and the minister failed to act on them. He was wilfully blind and he did not take any notice.

A lot of the things that were identified in the Keelty report as problematic were things the minister had notice of. He had the warning signs. He was complacent and he was lazy; he did nothing about them. For example, problems with the DEC–FESA relationship were highlighted in the Boorabbin coronial inquest. It was also clear that there were problems with communications. Then the Victorian Bushfires Royal Commission report came out in which, again, a lot of the same issues were raised. As a consequence of that, the government reported, belatedly, on fire preparedness, and the Premier guaranteed in a very complacent way that yes, we were well prepared; we had none of these problems and all would be right. He announced the review in March and it took until August for him to come out with the report, in which he gave assurances that Western Australia was well prepared. Then there was the Toodyay fire in 2009, and the management incident review of that showed again that we were particularly vulnerable on the urban fringe; again, that there were problems with DEC–FESA relations; and again, problems with incident management control. Does that sound familiar, members? It is all familiar. It all came back to bite the minister and the Premier with the Kelmscott–Roleystone fires.

The minister criticised the previous government for not implementing the Community Development and Justice Standing Committee's recommendations expeditiously.

Mr R.F. Johnson: You did nothing; you did nothing.

Ms M.M. QUIRK: I draw the minister's attention to the fact that it was September 2009 before he introduced legislation in this place. In fact, I put out a press release some seven months earlier suggesting he do it, so I do not think the minister is on very good ground.

Mr R.F. Johnson: You put it off for nearly 18 months. You did nothing. I had to start from scratch again.

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The SPEAKER: Minister!

Ms M.M. QUIRK: That press release was headed “Fire management changes needed in Western Australia”. That was February and it took the minister until September to introduce legislation into this house. It was only at my urging and suggestion that he implemented three of those recommendations. The minister has issued a lot of press releases about all the sorts of things he has done in preparing for summer and the fire seasons over recent years. One of his favourite press releases that he has put out on a number of occasions is about Helitacs. I have to say that, on the day, Helitacs were found to be unsuitable for the Kelmscott–Roleystone fire. He should realise that he should not put all his eggs in one basket. He did not address the other systemic problems over three years and those problems came to the fore during the Kelmscott–Roleystone fires.

I want to quickly make particular mention of Pam Story, a volunteer firefighter, about whom I made a grievance to the minister in June this year. She was hurt in those fires, but she still has not received her rightful compensation. She has been offered half of what she is entitled to by the insurance company. She is still involved in litigation about the motor vehicle accident itself. I asked the minister in July if he would seek an ex gratia payment for a volunteer of five years’ standing who was doing her job on the day and saved the house of Peter and Ann Ellis, and she is still waiting for full compensation. The minister should resign on that basis alone.

I want to quickly talk about the Premier’s comments on natural justice. In June this year I had a discussion with the Premier when I asked what was happening with the report. He said it needed to go the stakeholders for their comments. The obvious conclusion to that is that the content of the report would be taken into account and relied upon. It is clear that that has not happened. The Premier talks about natural justice. Natural justice is the right of people to address adverse findings against them. Clearly, FESA was given that right but no account was taken of it at all. The Premier would prefer that a report go back that contained inaccurate material particulars than get it right. He should be condemned for that. I want to ask the Premier whether he referred FESA’s response to the Keely report to Robert Cock and what his advice was about what should be done with it.

In summary, I want to say that just as it was inevitable with the weather on the day that fire conditions would be catastrophic, the outcome was equally inevitable, frankly, due to all the systemic failures that the minister had failed to address and adequately prosecute in cabinet with his colleagues. I think the minister has prepared a draft memorandum of understanding on relations between FESA and DEC. That is the extent of his actions towards creating interagency operability. He has failed on many counts. I do not know how many chances he should get. I do not know whether the Premier thinks recklessness, incompetence, laziness and sheer effrontery, frankly, are the right criteria for a member to be a minister. The lives that are at stake are too serious to be left in the hands of Rob Johnson. I think the Premier is equally culpable by failing to meet —

The SPEAKER: Members, I instruct you to refer to —

Ms M.M. QUIRK: The Minister for Emergency Services.

The SPEAKER: Thank you, member.

MR A.J. SIMPSON (Darling Range) [3.38 pm]: I would like to respond to this MPI, firstly, by thanking the Minister for Emergency Services and his staff for their support since the fire on 6 February this year. Both the minister and the Premier were on the front foot in providing timely information to assist me. This was particularly helpful during the recovery committee meetings organised by the City of Armadale in the aftermath. They were particularly helpful in obtaining the Western Australian natural disaster relief arrangements funding, which the city identified early on as a way of ensuring that the clean-up of sites that had been totally destroyed by the fire was carried out quickly, safely and at no cost to the affected residents.

I acknowledge also that much of the coordination on the day following the fire was effectively managed by the Mayor of the City of Armadale, Councillor Linton Reynolds, and Yvonne Coyne, who was the recovery coordinator for the city. These two really stepped up to the plate in the weeks and months after the fires and both the City of Armadale and the state owe them and the recovery committee they led a debt of gratitude as they were instrumental in seeing problems often before they were fully understood and in putting into place measures to reduce the effect on already traumatised victims. The actions with regard to the clean-up of the affected home sites have averted a potential further environmental tragedy as many of the affected properties were assessed as containing asbestos and improper handling of that would have created a future headache for our community.

I would now like to draw attention to the many volunteers who fought the fires on the day alongside career firefighters. Brian Watkins is the chief bushfire control officer for the City of Armadale and the manager of ranger services, and his local knowledge was of great assistance both during and after the fires. The volunteers from the local brigades, as well as those from throughout the state, are to be thanked. We must remember that these are people like you and me, and they train regularly but never really expect to be in a situation in which, as

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happened on that day, they have to put in the back of their minds that their own house is under threat or even has been destroyed as they fight to save neighbouring properties. They are the true heroes of the day and their sacrifices should never be forgotten. We also need to think about the volunteers who swung into action that day to provide support for those directly and indirectly affected. I refer to the St John Ambulance volunteers, the Red Cross and the Armadale Lions Club. I know Beryl and Max Jackson spent many hours and weeks seeing that those affected were provided with support and assistance when required.

As can be seen, this was an event that touched many of the best aspects of our community and showed how the true Australian spirit of helping a stranger in times of need is never far away and will always come to the fore in times of tragedy and need.

Although not formally volunteers, I also acknowledge the support given by staff from various government departmental offices in the days after the fire. These included staff from the Department for Child Protection who were instrumental in setting up and running not only the evacuation centre in Armadale, but also in the preceding floods in Carnarvon. Centrelink staff also worked in conjunction with DCP staff to ensure that emergency relief payments were promptly assessed and distributed. Many of these acted above and beyond that asked of them in their normal day-to-day duties, and many of them have been indirectly affected by the stories they heard from evacuees. The fact that these many and varied agencies were able to swing into action so quickly and efficiently is testament to the emergency management plans that the Premier and Minister for Emergency Services oversee in their roles.

As any person with any experience in tactical situations knows, the very best plans will be tested and exposed in any real implementation—and this happened on the day. The rapid decision by both the Premier and minister to initiate the Keelty review will ensure that the lessons of this summer will be learnt, will be passed on, and will not be forgotten. Yes, the plans were found wanting, as any plan will; however, this report allows us to adjust the plans to ensure that the next time we face an emergency situation, the state will be better prepared and coordinated in response. We cannot possibly foresee all events; however, the actions by the Premier and the minister after the fire, both in commissioning the review and committing to its implementation, should ensure that we have a better plan next time—hopefully, that will not be any time soon. We should not condemn the Premier or the minister; we should be thankful that they are willing to dig below the surface to fix what needs to be fixed.

As the member for Darling Range I know the effect of the fires on the community. It has been well reported that 71 families lost their homes, but less well known is that many lost sheds, fences, carports and other parts of their homes. People have spent a lot of time working in our community, and have found that it is harder for an insurance claim to move forward when not losing their house, but losing parts of their house. Although they still have a house to live in, the effects of the fire will be felt for long, long afterwards as they have to rebuild their gardens and sheds et cetera. In the past couple of months, I have spent some time with the Lions Club on Saturday mornings helping to fix up sheds, to build cubby houses and to replace fencing. In discussion with the those affected, I have heard some interesting stories about how these landowners are getting on with rebuilding their lives. It is amazingly spirit-lifting to talk to such people and to know that they can at least now move forward.

MR C.J. BARNETT (Cottesloe — Premier) [3.44 pm]: I have already made comment during question time, and will therefore be brief in what I say here. Listening to the member for Darling Range, I think every member of this house will agree that the extraordinary efforts of the firefighters during that fire need to be acknowledged by this house and be applauded. I remember going there quite early in the morning when the fire was still out of control in some areas and the water bombers still had a role to play. The Minister for Emergency Services and I were taken on a brief tour of the fire areas, and we could see firsthand the devastation. The fires were still smouldering—as were some homes. However, I have two distinct memories from that. First was driving past a group of firefighters, probably about 20, who were sitting on the side of the road covered in soot and ash. Clearly, they had been fighting the fire all night. Clearly, they were absolutely exhausted—absolutely exhausted. When they saw us go by, they just waved. I think they were having a few drinks. The spirit of those firefighters was a great Australian image. My other memory of those couple of hours I spent at the site was a small group of residents, women and a couple of kids, standing applauding. They were just outside the fire zone area, as obviously people were not allowed back in. They clapped as the fire crews left the scene; they were applauding both volunteer and FESA–DEC firefighters. I thought, “Good on you!”, and pulled over to have a bit of a chat with them. They were simply standing and applauding the firefighters as they left the scene because they knew that the firefighters had worked for hours and hours in personal danger. Although 71 houses were lost, a great number of others were saved. As has been pointed out, despite the extreme conditions and the extreme speed with which the fire spread, there was no loss of life, and, apart from one firefighter, there was no serious injury to any resident. I think that is outstanding, and we should never lose sight of that.

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However, the Keelty review reinforced what other reports tabled in this Parliament have shown; namely, that there was dysfunction in the relationship between FESA and DEC and volunteer firefighters. The system was not working as it should. The Keelty report also revealed, very starkly, that proper processes and proper procedures were not followed. Out of that, this government is not about—pun not intended—raking over the coals again. We are simply accepting the Keelty report. We are acting to place a new person in charge of FESA, and we have started the process of drafting legislation to restructure FESA—and we will do that quickly. I hope, Mr Speaker, when we bring that legislation into this house—hopefully it is not too far away—members opposite will support it. That will be a test, or will we see them want to go back through what FESA said, what DEC said —

Several members interjected.

Mr C.J. BARNETT: Will Labor members support the legislation or will they argue —

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.J. BARNETT: I am asking whether Labor members will support the legislation when it comes to this house.

Several members interjected.

Mr C.J. BARNETT: We get an immediate response! Look at them—all up. Last week, members opposite took the point of view of the Keelty report, and were down on FESA. This week, they seem to be supporting FESA and to be down on the Keelty report. Members opposite have read the report, but they do not seem to be able to make up their minds. This government, as distinct from the previous government, is acting.

Several members interjected.

Mr C.J. BARNETT: The shameful performance of the previous government was in not even responding to the Community Development and Justice Standing Committee report! When reminded, six months later, that it had not responded, the then Labor government said, “We will get around to it.” It never did. The former government did not treat this issue seriously. Members can understand why I take some exception to members opposite coming in here wanting to say, “Well, this person said that and that person said this.” Good government is about making a decision and then implementing that decision. We are not interested in raking over who said what about the report and what someone’s reaction was to the report. I am not interested in doing that. This government is not interested in doing that. The evidence is overwhelming: the inquiry and the report are definitive and we are acting upon them. That is what we will do. We will wait with some sense of, probably, bemusement to see whether members opposite will be capable of forming a position on the legislation. It will be before this house fairly quickly. We get on with the job. We make decisions in the Liberal–National government. We get on with the job and we fix problems when we see them.

MR J.M. FRANCIS (Jandakot) [3.49 pm]: As a member who has been in this house for about three years, today, I have been on a fairly steep learning curve, as are most new members when elected to Parliament. I will make some observations about some of the lessons that I have learnt in the past six months with my direct role as a volunteer in the Jandakot Volunteer Fire Brigade. I have a HR truck licence and I am qualified to drive the brigade truck. I have attended a number of fires as a firefighter, driving the truck for the volunteer fire brigade at Jandakot, and I have had a few public run-ins with FESA. One of them was in the last six months over the allocation of resources. I will not go to the whole hoo-ha and details of it, but basically my volunteer fire brigade —

Ms M.M. Quirk interjected.

Mr J.M. FRANCIS: Can you shut up for a second?

My volunteer fire brigade was allocated a 12-tonne truck just over seven or eight months ago. Through a letter to a residents’ group, which Jo Harrison-Ward signed, we found out that the truck, for a number of reasons, was to be reallocated to a different brigade within the City of Cockburn. She thought it was appropriate to tell a residents’ group before she had the decency to tell the volunteers at the volunteer fire brigade. I saw that as a fairly cardinal sin for someone in that position. I certainly told the minister. I raised the issue a number of times through different channels. The captain of my volunteer fire brigade at the time—a great guy called Steve Dobson—raised it. We got involved when they were at their wits’ end trying to sort out the allocation of these resources and tried to make sure that this tanker stayed where it could best serve the community.

Mr F.M. Logan interjected.

Mr J.M. FRANCIS: I will also get to that, if the member wants me to. That is another story. I was driving it on the day of the fire.

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I kicked and screamed, and I raised the issue. Four or five months ago, through the minister's office I organised a meeting with Jo Harrison-Ward in Parliament House. I raised the issues with her. The summary of the story is that I sat there and asked whether there was anything we could do to have the government direct FESA to reallocate that fire truck or to keep it where it is or whatever. I made this point crystal clear. The exact response I got from her was, "No, the government cannot interfere in the resources and allocation of resources at FESA. That is illegal." As a member of Parliament who is involved in his own volunteer fire brigade—I try carefully to wear two hats with some independence—I found out that it is illegal for the minister to make any direction whatsoever to FESA on the allocation of a fire truck in my electorate. That is my crystal-clear recollection of that meeting.

I raise that point for one reason. I had another experience, which I think I might have spoken about once before, when I was first elected and I tried to get the Department of Education to straighten a flagpole at South Lake Primary School. I got pulled into line pretty quickly by the Department of Education and I was told that I cannot interfere with the running of a department. All I was trying to do was get a flagpole straightened! All requests have to go through the minister's office.

The lesson I have learned in this place in the past three years is that the pendulum of public accountability in the state of Western Australia has swung so far, to the point where it is impossible to get anything done without jumping through many hoops. It is a bureaucracy that is so time consuming that it is a burden on public servants, elected officials and appointed ministers.

Mr M. McGowan interjected.

Mr J.M. FRANCIS: Before the member interjects, one reason that the pendulum of public accountability has swung so high in the state is the Labor Party and Brian Burke. It is because of the Labor Party and the Burke era. As a result of the way in which the state was run when Labor was in power all those years ago, it is impossible to get anything done without jumping through all these hoops.

Members opposite now turn around and try to condemn the government for gross mismanagement of fires when it cannot even legally allocate the resources of a fire truck! It is absolutely ridiculous. Have opposition members read their own motion? They are saying that the government did not act in a certain way. It is illegal for it to do that. It is not like the minister can sit there and put a uniform on and start to direct fire trucks. What did they want the minister to do? It is illegal for him to do that. A direct result of the Labor Party and Brian Burke is that it is impossible to get things done these days. I say to the government and all sides of politics that it is about time we revisit this issue and start to say, "Let's give government the right to make things right."

MRS M.H. ROBERTS (Midland) [3.54 pm]: Today in the house we have raised a most serious motion. I draw members' attention to it. It states —

That the house condemns the Premier and Minister for Police; Emergency Services for the government's gross mismanagement of the Roleystone–Kelmscott bushfires and subsequent inquiries.

This is a very serious motion. We have raised a number of significant issues about mismanagement, particularly by the Minister for Emergency Services but also by the Premier and his government. We have seen virtually no response whatsoever from the government. Two backbenchers have given speeches. I say to the member for Darling Range that his speech was probably the best speech of the day; it dealt with significant issues and had significant content. I cannot say the same for the other speakers. I especially cannot say that about the Minister for Emergency Services, who, whenever he is under pressure or under attack, never addresses the issues or responds to the allegations. He just brushes them off and throws the switch to vaudeville. He does his little song and dance routine, reaches for his dirt machine and starts throwing the mud against the opposition. It does not matter how old the mud is, or who it is about, he reaches for his little dirt sheets, and he rehashes the same old little dirt sheets. His defence is, "Look, when other people were in government, they also did things that they got criticised for. So what? I am just getting a bit of criticism, and I am not actually going to respond to the allegations." There is no proper defence from him. It is a combination of vaudeville and mudslinging that is not even connected to the issues on which he is being attacked.

Some new information came out today. Today in question time we found out that this minister got the FESA report back in June. We are told that on 26 June it arrived at his office, and he received it and read it, potentially, a few days later. That appears to be what he meant by that.

Mr R.F. Johnson: I think you mean the FESA response, don't you?

Mrs M.H. ROBERTS: I mean the FESA response, yes. Let us have a look at that FESA response, because we have heard the most extraordinary stuff from the Premier in this regard. The Premier said, "Well, we had to give them some natural justice." He got that recommendation from Robert Cock. They decided to give the agency

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some natural justice. That is what the agencies thought they were getting. I have not seen the response from the other two agencies, but the FESA response states in the opening paragraph —

Dear Mr Wauchope

...

Thank you for the opportunity to meet with you on 15 June 2011 to outline FESA's concerns prior to seeing the report and the follow up opportunity ...

And so forth. It also states —

... an opportunity to comment on this report prior to it being submitted to Cabinet.

Quite clearly, Frank Pasquale is expecting it to go to cabinet and for its decision to be taken into account. At the very conclusion, on page 14 of 14 pages, the acting CEO writes —

I trust the above provides Cabinet with sufficient information with which to consider this report and FESA's associated comments.

Quite clearly FESA thought it was getting an opportunity to have an input in the cabinet process. From what the Premier has said today, it did not get that opportunity at all. In fact the Premier saw no reason to even read the report. He did not see why cabinet would need to consider it, why it would be relevant or, indeed, why the Department of Environment and Conservation's submission, or anyone else's submission, would be relevant. He said that the report was done. He said—I jotted it down during question time—that the report had been finalised. His view is that the report had been finalised. What was the point of even reading FESA's response or any other agency's response when the report was an independent report and had been finalised? I will tell the Premier the reason. It is because he has an obligation as Premier to sit down with cabinet and look at the recommendations, to consider the report, not to contract it out to Mick Keelty and say, "Whatever you've written, whatever your recommendations are, we endorse the lot." I do not know why he would need a cabinet meeting. I do not know why he would need a discussion, if that is what he is going to do. Just say, "That's it; rubber-stamp the whole lot, every recommendation you have made. We are not going to take anything further into account." Is it not interesting that an agency is saying that certain things are factually inaccurate?

I will just quote another line from page 2 of FESA's response —

The report totally underestimated the value and importance of volunteers to the state's emergency management arrangements.

That is a pretty serious allegation. It is signed off by the then acting CEO of FESA with the endorsement of the CEO. If I were the Premier and if I were in his cabinet, I would be saying that this is a pretty strong claim that the report totally underestimated the value and importance of volunteers. There are 35 000 FESA volunteers out there. If that statement was true, it would be something to be very concerned about. I think it would warrant some investigation, and I would look at those recommendations very closely to see whether all of them should be endorsed in full or in part.

Mr B.J. Grylls: Which ones shouldn't?

Mrs M.H. ROBERTS: I have only two minutes, member.

The other part of the government's defence is to commend firefighters; in fact, the Premier spent some time focusing on that. He commended the extraordinary effort of firefighters and gave us a little description of that. There was no defence of the management of FESA or of his minister and what he has done. The Premier stood in this place and spent about three minutes on his feet saying that the extraordinary efforts of firefighters should be commended. That is not up for dispute. All of us know what a fabulous and dedicated job volunteer firefighters and career firefighters did on that day, along with the State Emergency Service, the Salvation Army and a whole range of other groups that help out on such occasions. That has not been in question at any stage. Of course, I can say unequivocally that every member of this house supports the extraordinary efforts of those persons who fought the fires and thanks them for the job. But that does not in any way answer the criticisms of the Premier. Neither the Premier nor the minister has provided any defence of their government's total mismanagement of this issue.

Question put and a division taken with the following result —

Extract from *Hansard*
[ASSEMBLY — Tuesday, 6 September 2011]
p6778a-6790a

Speaker; Mr Eric Ripper; Mr Roger Cook; Mr Rob Johnson; Ms Margaret Quirk; Mr Tony Simpson; Mr Colin Barnett; Mr Joe Francis; Mrs Michelle Roberts

Ayes (25)

Ms L.L. Baker
Dr A.D. Buti
Ms A.S. Carles
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston

Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan
Mrs C.A. Martin
Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley

Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti
Mr T.G. Stephens
Mr C.J. Tallentire
Mr A.J. Waddell

Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli

Mr V.A. Catania
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
Mr A.P. Jacob

Mr R.F. Johnson
Mr A. Krsticevic
Mr J.E. McGrath
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter

Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Pairs

Mr M.P. Murray
Mr P.C. Tinley

Mrs L.M. Harvey
Dr G.G. Jacobs

Question thus negatived.