

BOORABBIN NATIONAL PARK FIRE — CORONIAL INQUEST

Urgency Motion

THE PRESIDENT (Hon Barry House): I received the following letter this morning —

Dear Mr President,

Pursuant to standing order 72, I move —

That the Council consider as a matter of urgency, the Environment Minister's acquiescence to DEC's cover-up and denial in the aftermath of the Boorabbin bushfire and her failure to provide leadership to the Department and accountability to the public.

Yours Sincerely

Hon Dr Sally Talbot MLC

The member will require at least four members to rise in support of the motion for it to proceed.

[At least four members rose in their places.]

HON SALLY TALBOT (South West) [3.47 pm]: I move the motion.

This is a very serious and very complex issue. I know there has been extensive media coverage of the State Coroner's report since it was brought down at about lunchtime on Friday. I know also that many honourable members will be quite familiar with the events that constitute the substance of this motion. I will briefly provide the broad outline of the events that constituted the subject of the coroner's report. I will do that with reference to the coroner's report, which states on page 3 that on 28 December 2007 in Boorabbin National Park in the Western Australian goldfields, a fire started in a Main Roads Western Australia vehicle rest bay on the northern side of Great Eastern Highway, 85 kilometres east of Southern Cross and 104 kilometres west of Coolgardie. His report reads —

The fire burned for a period of 13 days and grew to a final size of approximately 39,634 hectares by 8 January 2008.

The Department of Environment and Conservation (DEC) was responsible for fire suppression and road management from the outset as the fire occurred within a designated national park.

The fire danger on 30 December 2007 —

That is the day the deaths occurred —

for the Great Eastern Highway between Southern Cross and Boorabbin was particularly great. Temperatures at Southern Cross remained above 40°C throughout the afternoon and early evening.

The PRESIDENT: Order, members! There are several very audible conversations around the chamber, which makes it very difficult for Hansard to pick up the member's comments. Would you keep the noise down to a dull roar or remove yourselves from the chamber please.

Hon SALLY TALBOT: Thank you, Mr President. To continue —

At Southern Cross, a maximum of 45.2⁰C at about 4.50pm was the third highest December temperature ever recorded since observations commenced in 1908. The Southern Cross temperatures are likely to have been representative of those at Boorabbin.

A combination of hot, dry and windy conditions resulted in the fire danger being classed as extreme for an almost continuous period of 10 hours, from 9.40am to 7.40pm, which ranked in the top five for the longest duration of extreme fire danger index as classified by the Australian Government Bureau of Meteorology since the ... data set commenced in 1999.

The coroner also talked about how the vegetation was extremely dry, because it was drought-stressed, and about how the fire spread rapidly south in mature heath scrub. This was at about midday on 30 December 2007. The coroner continues —

During the afternoon changes in wind direction from the north-west to west-north-west periodically fanned the eastern flank of the fire creating new fire fronts which ran strongly to the south-east. Periodically tongues of fire formed in unburnt heath scrub north of the Great Eastern Highway and these ran south as narrow fingers towards the highway.

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

DEC set up road blocks during the afternoon but on occasions convoys of traffic were escorted through the roadblocks from west to east ...

Shortly after 7pm a decision was made by the DEC Incident Controller, Mr Barry Hooper, to open the highway to traffic.

This decision was made in spite of high quality spot forecasts prepared by the Bureau of Meteorology specifically for the purposes of fire management at Boorabbin which predicted a wind change with strong south-south-west winds between 7pm and 8pm that day.

The coroner then talks about aerial observations in tracking the fire —

The fire which ran to the highway was of high intensity and fast moving.

The fire reached the Great Eastern Highway just as a number of vehicles which had been released from a roadblock which had been set up at Coolgardie reached the same area.

Four trucks which attempted to proceed through the fire zone did not make it through. Tragically two of these trucks in which the deceased men were travelling were impacted by fire which was intense and fast moving. The three occupants of the three trucks died when the truck cabins in which they were sheltering became engulfed in flames.

The fire crossed the highway and it continued to spread to the north until it ran into a fire scar later in the evening.

That is the broad outline of the tragic events of 30 December 2007. To give members a more specific idea of what was happening at the precise moment when that very bad decision was made to remove the roadblocks and let traffic through, the coroner sums it up very succinctly in five dot points. These can be found at page 30 of his report —

Immediately prior to the decision being made to open the road, therefore, the situation was that —

- most fire crew who had been involved in fire suppression activities and were still on site were having dinner
- Macmahons' staff —

That is the company that had the contract for the roadblocks —

— who had been involved in road closure activity had been advised that they could go home;

- the aircraft which had been used to monitor fire activity near the highway was unable to remain airborne at the time when traffic would reach the fire zone;
- police officers from Southern Cross Police Station had been advised that they were no longer required and could leave the area; and
- conditions were still extremely hot and dry with low humidity and the weather forecast had predicted strong winds blowing from the direction of the fire towards the highway.

Now, as honourable members would know, the coroner's conclusions—which I will go through, but I want members to have those five dot points in their minds so that they can make sense of what the coroner says—were basically that the fire spread was predictable. It was predictable because the DEC incident controllers had received detailed and accurate weather forecasts that spelt out very clearly that the wind change was predicted to occur between 7.00 pm and 8.00 pm, and that the fire would reach the highway at about the same time—as it turned out, tragically—that the vehicles that had been released from the roadblock to the east of the fire would reach that particular stretch of road.

The coroner goes on to say at page 53, under the heading "Conclusion" —

... none of the three Incident Management Team members located in Kalgoorlie paid sufficient attention to the information contained in high quality forecasts prepared by the Bureau of Meteorology specifically for the purposes of fire management at Boorabbin which accurately predicted the fatal wind change. None of those three appears to have appreciated the fundamental importance of doing so. The failure by DEC to ensure that staff forming the Incident Management Team had an adequate appreciation of the need to monitor wind changes at a fire scene contributed to the deaths.

I started off by saying that most members would be familiar with those sorts of incidents. I read the coroner's report at the weekend. I urge all honourable members to read that report. There is a lot of material in that report that is not covered by the media. One of the things that I discovered was that DEC had had input into the

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljanna Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

formatting of the advice received from the Bureau of Meteorology, specifically so that it could be readily assimilated by people who presumably would have been working under a considerable amount of stress and pressure when they were trying to decipher this information. So DEC had had input into the way that these advices were formatted.

It can be seen from the transcript of the inquest that the coroner was moved to sarcasm on a couple of occasions. The coroner is usually a very measured man. One gets the sense that he was frustrated beyond words by the sorts of things that he was hearing at the inquest. I will give members a flavour of some of those things. He heard that DEC staff missed the specific advice about the timing of the wind change. He heard also that on at least two occasions, DEC staff had rejected offers of assistance from the Fire and Emergency Services Authority of Western Australia, whose officers were the trained firefighters in the area. The coroner also listened to evidence like that provided by the GHD consultant, Paul De Mar, who said at the inquest that, "There were some serious errors made with that fire, but one swallow does not make a summer."

There was an extraordinary litany of mistakes. There was then—this is the key point—a downplaying of those mistakes. In the coroner's report we find many, many disturbing things about the way DEC handled this fire. We find out, for example, that the same people who had made up the incident management team were still in those positions at the time the coroner's report was written, and that they, to quote the coroner, "could be involved in the same roles in future fires". We know now that that is not true, and I will come to that in a moment.

It is very evident from the coroner's report that many of the DEC officers involved were, and are, in denial about what happened and about their role in the scheme of things. I refer again to the coroner's report, at page 48, where Mr Hooper is responding to a question about whether the fire spread was predictable. The question was put to him —

Yes. The sad truth of this matter is that the fire was foreseeable if you had read the spot weather forecast correctly?

His response was, "I disagree with that". Later in the evidence we find the question —

You simply say you didn't read it. I'm saying that you were careless in not doing so?

His response to that was —

No, I don't believe I was.

On page 47, we find this response from a DEC official —

We all make mistakes and in a fire that where there—there may be a hundred, 200 decisions have to be made in a fire. Sometimes you get it wrong, and I agree this is a critical one and I'm not belittling that but you asked me how can you feel confident, I think you can only feel confidence in monitoring their performance as a result of the training we provide. And I need to say monitor very carefully we are very confident that they've picked up, and in fact performing extremely well now.

So it is obvious that what DEC was working on at the time, and what its consistent message has been ever since, is that we all make mistakes. That was borne out on Friday when I heard some astonishing comments on the radio from the Director General of the Department of Environment and Conservation. When he was asked, "Have you considered resigning over this?", he said, "No, I have not." The interviewer then said, "Does the buck stop with you?", and he said —

The buck does stop with me, my job is to make sure that the, to the best of my ability, the department has the resources and the staffing and the competency and the training to meet its responsibility including wildfire respond. Wildfires —

This is the quote that I particularly want to draw to members' attention —

are inherently difficult and dangerous you know we have had tragedies around Australia in recent years most notably in Victoria earlier this year. Fire is difficult fire is dangerous and unpredictable. We cannot guarantee that there will never be mistakes with fires because of those factors.

That comment by Mr McNamara directly contradicts the State Coroner's finding, which was that the wind change was predictable; the course of the fire was predictable; and very significant errors were made by those officers.

The minister has failed to represent the public interest in this matter, and she has failed to provide the leadership that she should be providing to Department of Environment and Conservation employees. There are nearly 2 000 employees of DEC and, as the minister said earlier this afternoon, about 700 of them are involved in firefighting. The minister must have known that a quick response was needed on Friday. She must have known about the

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

extreme unhappiness that would be expressed by the community about the leading incident controller being given more than a \$73 000 payout when he took a public sector-wide severance program redundancy only one week before the coroner's report came down. The minister must have been following the appalling evidence that came out during the inquest. Certainly, our shadow minister with responsibility was following the evidence and was very well equipped to respond in a very detailed fashion on Friday—not so with the minister. All the minister has been able to say—she repeated it again when she came into the chamber and made the statement just now—is that she is taking a number of steps to improve fire management. However, we do not know what is being done. She has left about 1 900-plus DEC officers out there to hang out to dry, just as she left the Swan River Trust officers hanging out to dry last week over the deaths of the dolphins.

This minister has a responsibility to represent community concern. She has a responsibility to provide leadership to her department, and she has failed miserably in doing that.

Hon Michael Mischin: What would you have done about it?

Hon SALLY TALBOT: I can tell the member what I would have done. She has to answer the difficult questions. She has made no statement about whether this behaviour is acceptable; she has made no statement about standards. She has given us no evidence that the training is effective. The self-respect of DEC employees and the confidence of the public are both at rock bottom, thanks to this minister's failures.

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [4.02 pm]: I rise to respond to some of the claims that have been made by Hon Sally Talbot today and to the terms of her motion. I say at the outset that Hon Sally Talbot has shown on a number of occasions an ability to go pretty low into the gutter. Today she has gone to an entirely new level. Today Hon Sally Talbot has gone to very disappointing lengths in the face of what was a very tragic incident that resulted in the loss of the lives of three men and severely affected a number of others. I do not intend to lower myself in the way that Hon Sally Talbot has done, but I want to respond to a couple of the remarks that she has made.

The fact is that this tragedy occurred on 30 December 2007. I want everyone in the house to remember that date—30 December 2007.

Hon Peter Collier: Who was in government?

Hon DONNA FARAGHER: I am getting to that. Clearly, serious mistakes were made on that day. As I have said, three men—Mr Trevor Murley, Mr Lewis Bedford and Mr Robert Taylor—lost their lives. I have said—although Hon Sally Talbot might say that I have not, because she obviously has not been standing nearby during my press conferences—that, like everybody else, I am very deeply concerned by the findings of the coroner. I do not downplay that in any way, shape or form. The department has taken responsibility for the actions taken on that day. There has been no cover-up and no denial, as is stated in this motion. The department has accepted responsibility. It accepted it then and it accepts it now.

Following the tragedy, the department undertook a number of internal and external reviews—reviews which were completed when the opposition was in government but which were not released. One independent review, in particular, made some 55 recommendations, including interagency management of roadblocks during bushfire incidents, improved fire behaviour predictions in remote regions, and improved communications at bushfire incidents. All these measures have been implemented. Furthermore, as I mentioned in my ministerial statement, other action has been taken, particularly regarding issues surrounding weather forecasting and training. With regard to the staff, Mr Hooper, as the member has said, has left the department. There are clear roles for me as the minister and for the director general. The other two officers have withdrawn from all active fire roles, not just fire leadership roles.

I do not want to get into the politics of this issue, because, quite frankly, it is far too serious for that. However, Hon Sally Talbot has decided today to do that. The fact is that Labor is very good at trying to shift the blame on to others, when clearly there has been a lack of action on its part. As I said, I do not want to even talk about this matter in the way that has been generated by the terms used in this motion. The fact is that this tragic event occurred on 30 December 2007. Where was I?

Hon Sally Talbot: That sounds very much like playing politics to me.

Hon DONNA FARAGHER: The member should listen to me. I listened to her.

Several members interjected.

The PRESIDENT: Order, members! Let us get something clear. The mover of the motion spoke for 15 minutes and was not interrupted. This is a very serious motion and some very pointed personal allegations have been made about a very serious situation in which people lost their lives. I will not let the chamber descend into a

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

slanging match on a motion like this. So the minister should please address her comments to the chair, and I can assure her that I will not interrupt.

Hon DONNA FARAGHER: Thank you, Mr President. The fact is that in 2007 I was sitting over there where Hon Colin Holt now sits. Where was Hon Sally Talbot in 2007? She was sitting here, on this side. What did she do, as the Parliamentary Secretary to the Minister for the Environment? The fact is that a serious tragedy occurred in 2007. There has been a coronial inquest, and there have been a number of very severe findings against my department. I am very concerned about that. That is why I have asked for immediate action to be taken. When one looks at the member's motion, one sees that it refers to the aftermath of the Boorabbin bushfire. The fact is that the aftermath was in the time of the previous Labor government. I do not shy away in any way, shape or form from the tragedy of this event and the effect that it has had on the lives of loved ones who are left behind and whose fathers, brothers and partners are no longer here. I know that as well as anybody, and I know that I, as the minister, have a responsibility to make sure that that never happens again. As I have said, that is why I have ordered a full and immediate response from the department to the coroner's findings and observations.

I have gone through the coroner's report line by line, and I have asked the department to literally go through the coroner's findings line by line, because, as I have said, I do not want—I will keep on saying this—a tragedy like this to ever occur again. What I do want to say is that the language used in this motion by Hon Sally Talbot, such as cover-up, denial and acquiescence, and the fact that that is now on the public record, is disgraceful. It is particularly disappointing in that the member is a member for the South West Region. As I said, I do not shy away at all from the tragedy that has occurred. I take full responsibility now, as Minister for Environment, along with the director general and the senior management of the department, for making sure that a tragedy such as this never occurs again. But to say that I do not show leadership to my department is wrong; I give absolute support to my department, and I am very angry that the member even suggested that I do not. I have 700-odd departmental staff who are variously involved in fire management. These officers are very fine and experienced officers. I do not in any way, shape or form want to take anything away from the tragedy that we are dealing with right now, but those 700 officers work variously on complex and very difficult fires, often at their own risk. Each year, they go out and fight fires on our behalf, of which the Bridgetown fires are an example. We want those officers to be prepared and ready to go out at a moment's notice. The language used by Hon Sally Talbot—that is, the terms “cover-up” and “denial”—show her, not mine, complete disdain for all of those very good officers and everyone within my department. Is that the message that Hon Sally Talbot wants to send to my department? Is that Hon Eric Ripper's, the Leader of the Opposition's, message to my department? If it is, I will certainly let them know.

I certainly support my department, as do my colleagues on this side of the house, and I am sure that members opposite actually support my department, too. The pity is that the opposition spokesperson, who is also a member for the South West Region, where many people look to DEC officers in times of fire, does not. She does not support those officers. We are dealing with a tragic and very difficult situation, and, as I have said, I do not ever, ever want this to ever happen again. It will serve everyone well, particularly Hon Sally Talbot, to continue to remember that there has been a tragic situation that no-one in Western Australia ever wants to see happen again, and I certainly, as minister, never want to see it happen again.

HON LJILJANNA RAVLICH (East Metropolitan) [4.12 pm]: I rise to speak on Hon Sally Talbot's urgency motion because I think it is very important that we send a very strong and clear message that we are not satisfied with the government's response to this issue, particularly that of the minister.

We all know that three truck drivers—namely, Lewis Bedford, Robert Taylor and Trevor Murley—lost their lives in this very, very sad event—the Boorabbin bushfire incident in 2007. We also know that the State Coroner has since handed down his report, which was very scathing of three individuals in particular, and also of the agency. I am, I guess, looking at this matter from a community point of view in terms of who is responsible. We have a situation whereby the Minister for Environment is on the record as stating that a redundancy payment of \$74 000 had been made to Mr Hooper, who left the Department of Environment and Conservation last week, and that it was a departmental matter. I must tell the minister that, under the Westminster system, she is responsible for whatever the department does. That is the first thing she must understand.

Clearly, the minister does not accept any responsibility; she is very concerned but she is certainly not responsible. It is her view that the responsibility for what it does lies with a department. It is also the situation that the director general has already put it on the public record that he is not responsible for anything, and he can accept no responsibility. We know that the officers are not responsible; in fact we know that Mr Hooper picked up a nice tidy sum of \$74 000, and we also know that the two other officers are still employed by the agency,

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljanna Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

although not in the same role they had before, but clearly they are not responsible. Somebody needs to accept some responsibility.

Hon Michael Mischin interjected.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: At the end of the day, the community needs to know why there is a systems failure and why nobody is stepping up to the mark to accept responsibility. One of the things that really concerns me is this whole lack of accountability by the government. This is another case of an emerging pattern of public servants who are under a cloud being able to resign, or, better still, negotiate a redundancy or a plum job elsewhere, and disappear into the sunset as though they have been rewarded.

Several members interjected.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: That is not acceptable to the public; it is not acceptable to the families of these victims; and it should not be acceptable to anybody in this place.

In this situation one culpable officer has escaped punishment, and taken early redundancy, which means, obviously, that he was no longer required to fill his position; he was a planning officer. We need to know, for example, why his position was no longer required and why he was given a redundancy. He was given a redundancy at around the same time as the coroner handed down his report. We know that other DEC officers who were named as culpable in the coroner's report still work in the department at the same level of position—although they may not be doing exactly the same job—and still collect the same level of pay.

We have got a lame duck minister who said on 6PR on 20 November that she was taking the action of “speaking to the director general”. Today, she reports to this place that she is very concerned, she has taken responsibility, and that the response to this very, very, very serious event that led to the death of three men is an internal and external review. Three men died, and there will be an internal and external review! It is not good enough, minister! It is simply not good enough! Did the minister ask her director general why he approved the payment—or the payout—to Mr Hooper; and, did he advise her that he was going to give Mr Hooper a \$74 000 redundancy payment? I say to the minister that she needs to put on the public record, if she was advised, when she was advised; and, if she was not advised, why she was not advised, because quite clearly the public have a right to know.

I say to the minister that her whole argument about her not being able to intervene in decisions about whether staff are stood down or disciplined as a result of the coroner's findings on this tragic incident is not good enough—it is not good enough! People expect the minister to act. The minister could have stopped the payment. Was she advised by her director general that a payment of \$74 000 was to be made?

Hon Simon O'Brien: That is not the sort of question that should be answered by interjection.

Hon LJILJANNA RAVLICH: Clearly, these are the sorts of questions that the public have a right to have answers to.

I know I do not have a lot of time, but this is all part of the continuing pattern of this government avoiding accountability. We saw it happen, for example, with the former state prosecutor, Ken Bates. Ken Bates, who was complicit in the wrongful prosecution of Andrew Mallard, received \$606 000; we saw it happen with former Assistant Commissioner of Police David Caporn, who was also a player in the Andrew Mallard case. He received a \$130 000 a year position with the Fire and Emergency Services Authority and immunity from disciplinary proceedings. We saw it happen with former Assistant Commissioner of Police Mal Shervill, who was off work for four years on full pay.

Hon Michael Mischin interjected.

The PRESIDENT: Order! Member, direct your comments through me, and then Hon Michael Mischin will have absolutely no excuse for making the interjections he is.

Hon LJILJANNA RAVLICH: Mal Shervill is another case in point—on leave with full pay for four years, thanks to Western Australian taxpayers. There is no doubt that there were misconduct findings against him in the Mallard case. Now Barry Hooper, named by Coroner Alistair Hope as incompetent, receives a \$74 000 redundancy payout under a public sector severance program. The people of Western Australia would be shaking their heads in dismay at knowing that three men are dead—lost to their families and their communities—and a

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

person who played a central and critical role, a person defined by the coroner as being incompetent, at the same time gets a redundancy package of \$74 000. I know that the minister thinks that this has nothing to do with her, but it has a lot to do with her. That payment of \$74 000 is another case in which a government minister has not defended the public interest. She has not stepped in to demand the highest standards from her department. She has not demanded that any disciplinary proceedings be instituted without delay, and she has allowed another public servant under a cloud to escape disciplinary proceedings.

Hon Donna Faragher interjected.

Hon LJILJANNA RAVLICH: That is what the minister has done—she just feeds into the processes of this government, which spoke ad nauseam before the election about how it would be open and accountable and do the right thing by the Western Australian public. This is a disgrace.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [4.22 pm]: I viewed the notice of this motion with some dismay. Firstly, I too view this triple fatality on 30 December 2007 as a tragic incident. It was a terrible thing to happen, and it appears that we are all in furious agreement about that. I read the coroner's report over the weekend, and I was saddened to read the story of mistakes and errors of judgement that resulted in the deaths of Trevor Murley, Lewis Bedford and Robert Taylor. I join other members, including the Minister for Environment, in extending my condolences to the men's families who, with the release of the coroner's report on Friday, find themselves reliving aspects of that terrible day in December 2007.

I have risen to comment on the motion itself. I listened with interest to the mover of the motion, wondering when she was going to actually relate her speech to the Minister for Environment. This is very much about the Minister for Environment. As the Minister for Environment has said, the words of this awful motion are now on the public record, and they cry out for a response. This motion is shameful evidence of Labor's willingness to try, and indeed wilfulness in trying, to exonerate itself for some awful incidents that happened during its time in office, and to try to shift the blame onto others, in this case the government of the day. Typically, this motion is venomous in its tone, it is directly personalised against a specific member, and it is vitriolic and plain nasty. The words of the two opposition speakers we have suffered through unfortunately seemed to underline what this motion is all about. It is about personal denigration. It is a disgraceful way to go about business.

Let us look at what this motion actually says. I throw this back in the teeth of those members from the Australian Labor Party, and the Australian Labor Party alone, who stood to support this disgraceful motion going to debate. The motion says that the Minister for Environment was acquiescent in the Department of Environment and Conservation's cover-up and denial in the aftermath of the Boorabbin bushfire. Furthermore, the motion, which is supported by every member of the ALP, states that the minister's failure to provide leadership to the department and accountability to the public is something that we should consider as a matter of urgency.

These tragic, dreadful events occurred in December 2007. Now the opposition claims denial and cover-up in the aftermath of the Boorabbin bushfire. Even if the allegation against the Department of Environment and Conservation made by Hon Sally Talbot were true—we will leave that for another day—how on earth can this Minister for Environment be accused of acquiescence in actions that occurred nine months before the government was sworn in? Clearly, it is a nonsense. This Minister for Environment was not the minister at any time there was any cover-up or denial in the aftermath of the Boorabbin bushfire. That is exactly what the motion says. Who was the environment minister at the time? The environment minister was a Labor person. Last week we had a similar diatribe about dolphins dying over the past few years—apparently their deaths are the personal fault of the present Minister for Environment as well. My attention was drawn, as was that of other members, to the reported comments of Mr Colin Porter, a former head of the Department of Environment and Conservation and the Environmental Protection Authority, who blamed a combination of inexperienced management and weak environment ministers for the condition of the Swan River—another key environmental issue. He was reported in a recent newspaper article as saying —

“During the three and a half years of the Carpenter government we had four ministers for the environment ... So you can rest assured none of them really got to grips with the problem.”

That is what was said under the banner headline “Weak ministers blamed for sick river”. Every one of those weak environment ministers was a Labor environment minister, as was the minister responsible at the time of the Boorabbin bushfire. We did not seek to make political points out of this terrible tragedy at the time, but the minister responsible at that time, and for the nine months thereafter, was a Labor minister.

Hon Donna Faragher: Who was the parliamentary secretary?

Hon SIMON O'BRIEN: That Labor environment minister's parliamentary secretary, who sat in this very house, was none other than Hon Sally Talbot, the mover of this disgraceful motion. It is a shameful episode that

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljanna Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

we should be entertained with this sort of attitude. I think the Minister for Environment has conducted herself in a way that demonstrates to me that no matter how much grief, venom and vitriol is thrown her way by the likes of Hon Sally Talbot or Hon Ljiljanna Ravlich—a sensationally successful minister in her own right—she still manages to conduct herself with professionalism and dignity. She inspires more confidence as an environment minister than all four of the Labor ministers that Mr Porter has no time for at all. Why? Let the truth out!

The further allegation in this motion is that this Minister for Environment has failed to provide leadership to the Department of Environment and Conservation and accountability to the public. I have never seen her go hiding, and I have never seen her fail to front up and put up with whatever accusation is made, whatever is the issue of the day, or answer whatever curly questions get thrown at her. We have heard about how she—not one of those four failed environment ministers from the past Labor government—has been the minister while an independent review was taking place from which 55 recommendations have been implemented already. She has thereby shown leadership and has learnt from this terrible tragedy. This minister and her department are getting on with doing the job to try to avoid a fire of that magnitude occurring again and causing further tragedies. That is leadership. She is the one who gets out there and champions her department. That is leadership. It is about showing support instead of the sort of nonsense we have heard today from the opposition.

There is a letter standing in the name of Terry Hunter, the president of the Association of Volunteer Bush Fire Brigades of Western Australia (Inc), dated today, 24 November 2009. I think it is a letter that has been circulated to all members. It says in part —

On behalf of the Association of Volunteer Bush Fire Brigades of Western Australia (inc), which represents 25000 Volunteer Bush Fire Brigade members, we would like to bring to your attention our concerns in relation to how the media is portraying the coroners findings in relation to the Boorabbin incident.

...

It is important that parliamentarians do not focus on media speculation and sensationalism or head hunting of any individual. This is already having an impact on our volunteers and needs to be put into perspective as a priority.

As with all emergencies the media loose sight that the responders, paid and volunteer turn out in good faith to do their best to bring the situation under control as quickly as they can for the safety of the community.

As an association, our position is that we do not condone the character assassination of any person no matter whom they are. The current action is causing this association and its members concern.

We would like to point out that we have confidence in the Department of Environment and Conservation, fire operations and personnel. The coroner did not reflect on the positive changes that have occurred —

Mr Hunter mentions a number of agencies including DEC, police and so on. Members opposite need to take notice of the effect their actions are now having on these 25 000 volunteers.

HON HELEN BULLOCK (Mining and Pastoral) [4.34 pm]: I would like to speak to this urgency motion. These days I often travel on Great Eastern Highway, but every time I get close to Coolgardie, the image of a burning truck and dead bodies comes to my mind. Sometimes I have to stop on the side of the road and pray to God that these incidents will not happen again, especially not at a time that I travel on that road.

Last night I read the State Coroner's report. I reckon that all the members in this chamber should read this report. The report was not an easy read; it was a tragic and sad read. We often hear complaints about how incompetent and inefficient government departments are. This report is a very fine example of this incompetence. The devastating consequence of this tragedy is the unnecessary loss of three lives.

Two of the major findings in this report are very important. The first major finding was that the officers in charge were incompetent and some were underqualified. The second major finding was that there was a lack of effective coordination between all the agencies involved.

From my previous employment I learned that when I am in charge of a job, I must deal with whatever problems come up and not play the blame game. I am not complaining about who did what, who should be in charge and who should be liable for this incident.

Several members interjected.

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

Hon HELEN BULLOCK: Members should just listen to what I have to say.

As we know today's temperature is very high and the summer season has come earlier than usual, which means that another bushfire season is either just around the corner or already here. The questions that arise are: Are we ready for it? Has the Department of Environment and Conservation addressed all the issues and concerns that have been raised in this report? Can the minister assure the public that her department will be competently managed and properly resourced to cope with the coming bushfire season? I know that the minister has already given this house an assurance that this incident will not happen again. Members, we have an assurance from this minister that this incident will not happen again.

I have a number of other questions: Can the minister assure the public that the deficiency in training has been addressed? Are the proper protocols and procedures in place for road closures? Is there adequate signage that can be quickly made available to areas of potential danger? Will there be proper coordination between all agencies involved in emergency management should we experience at some time in the future another fire like the Boorabbin National Park bushfire? Can I feel safe when I drive down Great Eastern Highway again sometime next week?

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [4.37 pm]: I will not take up too much time of the house. It has become noticeable to me over the past weeks that urgency motions have been raised by one member in particular that take aim at the Minister for Environment rather than the government generally. It seems to be very personal to the member moving these urgency motions. It could have something to do with her own feelings of inadequacy that she has to pull down others in order to elevate her own stature.

Several members interjected.

The PRESIDENT: Order, members!

Hon MICHAEL MISCHIN: I was not going to mention names, but that is a psychological problem that perhaps should be dealt with by counselling.

I will address two aspects of the motion; that is, the failure of the minister to provide leadership to the department and accountability to the public. I particularly appreciate the comments of Hon Ljiljana Ravlich, who I assume means what she says in this place and says what she means. It opened an interesting aperture into her mind, and presumably the mind of the Labor opposition in this house, that part of her criticism of the minister was that somehow the minister had failed in her duty to the public; that the public would be appalled that the minister has not suddenly gone into the department and picked people and fired them—got rid of them somehow—rather than allowing the departmental processes to take place within the structures and requirements of that department; and that somehow she should show leadership by going into the department, find the people who she feels were at fault and, without the results of the coroner's inquest and any particular inquiry, simply get rid of them without giving them any redundancy payment to which they may be entitled. I am sure that the Community and Public Sector Union-Civil Service Association of WA and other associated public service unions would be gratified to know that there will be some proposal by the Labor opposition, should they ever be entrusted with a position of responsibility in this state again, that will entitle ministers of the state to, under the Public Sector Management Act, go into departments and fire people who they think are incompetent. That was an interesting insight. I am sure that the union will have a bit to say about that. Having been a public servant for many years, I can tell members that it would not be greeted with much equanimity by those who rely on the law to govern their conditions of employment and the like. There has been some criticism suddenly that, because one member of the department claims that he has done nothing wrong but admits that mistakes may have been made by officers of that department, it tars the entire department with the same brush. We have heard Hon Helen Bullock mention the incompetence of that department generally. Many thousands of officers in that department are entrusted with the difficult task under difficult circumstances of fighting the thousands of bushfires that occur in this state every year. Because of one tragic occurrence, which undoubtedly involved failings on the part of specific officers, the entire departmental staff are to be blanketed and condemned. That is an outrage. I am sure the union and the department staff will be keen to hear that view as well and will know what is in store for them should the Labor Party ever get into government again. No doubt reforms will be made to the Public Sector Management Act to ensure that people can be dismissed at ministerial whim. As for the one area of supposed cover-up, we heard about how in the course of the last Labor government there were some four environment ministers.

Hon Donna Faragher interjected.

Hon MICHAEL MISCHIN: Four of them in the space of two years, I am corrected. Either those ministers were not up to the job; they did not fancy it; or they were as incompetent or even more incompetent than it is alleged

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

the current minister is. That the previous government should appoint four ministers in the space of two years is hardly a shining example of its commitment to the environment.

Hon Simon O'Brien: They had a little turnstile installed in Government House; I think they were coming and going.

Hon MICHAEL MISCHIN: Yes, there must have been some reason for it. Perhaps those ministers realised they were not up to the job at all, which would explain the condition the Swan River is in now and the condition the department was in back in December 2007 when this happened. We have been told that not sufficient has been done as a result of this incident. However, for over a period of nine months after, it was fairly and squarely the responsibility of the last Labor government.

A question has been raised about compensation. That matter was put in the hands of the State Solicitor's Office to deal with in about March 2008, when solicitors acting for the next of kin of one of the deceased drivers wrote in and sought compensation. The matter was not dealt with by way of an ex gratia payment or anything of that nature. It never went through cabinet—a Labor cabinet at the time. It was put in the hands of the State Solicitor's Office to deal with, as with any other claim. Through negotiations spanning a period of six months or so a settlement was reached. The settlement was perfected on 30 October last year after the change of government but as a flow-on from negotiations that had been held and managed entirely during the nine months after the event when the Labor government was in power; and as a result of that, a settlement was reached. In a sign of this government's commitment to ensure justice is done, the Attorney General has said that—notwithstanding a clause in that deed of settlement whereby the next of kin forfeited any claim against the government and the department for any neglect—he is prepared to waive that clause and the next of kin and their families who have suffered so very badly will be permitted to sue and to seek just compensation as and when they decide to do so. That, I suggest, is something that would not have been done under the last government.

It is simply an outrage that these sorts of idiotic and scurrilous motions are put forward to waste the house's time, with a view to simply passing off the blame and the responsibility on to the current government. The government has taken responsibility for its portfolios and this minister has acted accordingly and decisively. But these vague complaints are attempted and turned into personal complaints and personal accusations that have absolutely no substance and simply do not bear any examination. They are simply, as in the case of the unfortunate Mr Ward, an attempt to divest the previous government of its responsibility for its inactivity over many years. I ask: who amongst those former ministers such as Hon Ljiljana Ravlich—all of whom are prepared to complain about how this minister is not doing her job—was in cabinet when prison vans were not upgraded back in 2003 despite warnings about the potential consequences? How many of those ministers who were in cabinet then are still sitting in this Parliament?

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [4.45 pm]: When I look across the chamber at Hon Sally Talbot, I think that she might actually be feeling a bit ashamed of herself at this stage for this disgraceful motion.

Several members interjected.

Hon HELEN MORTON: This disgraceful motion is motivated purely by political opportunism.

Several members interjected.

The PRESIDENT: Order, members! There are only one and a half minutes to go in this debate. It has been conducted in an atmosphere of decorum and I want the last one and a half minutes to retain that atmosphere of decorum.

Hon HELEN MORTON: Because there is very little time, I want to make a few comments about one of the people who members were talking about; that is, Mr Barry Hooper. I do not know whether any other member knows him, but I do. He found himself in a very difficult situation that quickly escalated way out of his level of competence. However, since when has incompetence been immoral? It is not illegal et cetera.

Hon Sally Talbot: For goodness sake!

Hon HELEN MORTON: Hon Sally Talbot may think that she has never been in a situation like that herself. However, as I recall, this man was a flora and fauna expert, not a fire controller. But he was there and the events of that tragic day have greatly affected him and his family.

Hon Simon O'Brien: And will for the rest of his life.

Hon HELEN MORTON: Absolutely! I just mention to Hon Helen Bullock that he too travels backwards and forwards along Great Eastern Highway and cannot travel past that spot without stopping. It has wrecked his life. The effects of it have wrecked his family; he is now not with his wife. He has enormous emotional problems and

Extract from *Hansard*

[COUNCIL - Tuesday, 24 November 2009]

p9530b-9539a

President; Hon Dr Sally Talbot; Hon Donna Faragher; Hon Ljiljana Ravlich; Hon Simon O'Brien; Hon Helen Bullock; Hon Michael Mischin; Hon Helen Morton

he has enormous problems with other issues in his life. He needed that redundancy payment so that he could basically get his life together again.

Motion lapsed, pursuant to standing orders.