

**EMERGENCY MANAGEMENT BILL 2005**

*Second Reading*

Resumed from 30 August.

**HON ROBYN McSWEENEY (South West)** [9.22 pm]: The opposition will support the Emergency Management Bill. I have had the original bill sitting in my office for the past two years waiting for the government to bring it forward. I understand that changes have been made. However, it has still taken some time for this legislation to resurface. Given the importance of the bill to the community, I would have thought that the government would have given it a much higher priority; in fact, when it was introduced in the other place to be debated, the member for Capel, Dr Steve Thomas, asked that it be debated as an urgent bill because he recognised the importance of it to his community, which is also in my electorate. The Leader of the Opposition, Matt Birney, released a press statement on 28 July because the bill had fallen off the notice paper. When the Premier was tackled on that question, he said that the original bill had not referred to terrorism; obviously, he must have forgotten that the minister had already included anti-terrorism provisions in the bill. It was rather misleading on his part, because the minister in her second reading speech said -

Also, as a result of such events as 11 September 2001 and the Bali bombings in October 2002, it has become imperative that the Government ensure that the State is also prepared to deal with the consequences of acts of terrorism.

The Premier must have forgotten that. The draft bill was originally tabled in the Legislative Assembly on 7 November 2002. It was introduced into the Legislative Assembly on 22 October 2004 as the Emergency Management Bill 2004, but lapsed when Parliament was prorogued. Since the tabling of the bill in 2004 further consultation has taken place and a few other amendments and improvements have been made to the bill. The definition of "hazard" has been expanded to include specific references to a tsunami and terrorist act. Provisions have also been included to recognise and integrate state and federal counter-terrorism arrangements, an essential element in combating terrorism. Access to powers available by the declaration of an emergency situation has been simplified to make it quicker to access time-critical powers, such as the power to take control of premises for evacuation centres. I will speak further on that. Information-sharing provisions have been added and the volunteers' employment protection provisions have been expanded and clarified to protect from victimisation employees who have responded to an emergency situation. I would have thought that that alone would have made the government bring the bill on in 2002; it is now 2005. The government has responded to the concerns of the Western Australian Local Government Association, so it says. I will speak further on that a little later.

The bill is very timely, given the events in the news coverage of the aftermath of the hurricane disaster in New Orleans. President George Bush is taking much flak about the evacuation process, or rather the lack of it. We are seeing at first-hand what happens when a chain of command is not followed or not put in place to cope with an emergency on a massive scale. The hurricane disaster was certainly on a massive scale. We are seeing horrific conditions daily on the television; we are seeing looting, floating bodies, masses of homeless people, pets left to fend for themselves and a \$15 billion damage bill, which is probably a conservative estimate.

I believe that the Community Development and Justice Standing Committee did a great deal of consultation in 2002. I make the point again that it was three years ago. The findings of the committee were that Western Australia was the only state in Australia that did not have emergency management legislation. The committee found that the strong recommendations for legislation contained in the Barchard report of 1997 had not resulted in legislation in Western Australia. That report was published eight years ago. The committee found that a lack of legal framework in Western Australia placed emergency service workers' lives and property at unnecessary risk in times of emergency. That statement was made in a report of a Labor-dominated committee. We have been waiting for this legislation for three years, and that is negligence. The committee found that without the active and willing involvement of local authorities, Western Australia was unlikely to have a world-class emergency management system. The key features of world's best practice in emergency management are a relevant and responsive emergency management organisation, competent and detailed planning at all levels of government, interdepartmental-interagency cooperation, civic leadership and a capable and current legislative and regulatory framework. It is hoped that this Emergency Management Bill will provide that; it seems as though it will do just that.

My electorate has had two disastrous fires, one in my home town of Bridgetown and one in Tenterden, where unfortunately two women lost their lives. An inquiry has been held into that fire. More than a few people have learnt from the coroner's protracted inquest; the emergency services as well as the government have learnt from it. At the time of the Bridgetown fire, the shire president and his wife were sitting at the back of their place drinking a glass of wine. His house overlooks the valley, the only part of town that was not alight. Some hours after the fire had been raging on three sides of the town, someone went to his house and told him that the town

was surrounded by flames and asked what he was going to do about evacuating the town's residents. He responded by saying that he did not know about the fire. After walking around the other side of his house, he could see how close the flames were to the town. That is an example of bad communication, and is probably not an isolated case.

Under this bill, local government will play a huge role in emergency situations. However, despite the planning and work local government will be expected to do, it seems that everyone else will be in charge before local government gets a say. The Community Development and Justice Standing Committee conducted formal hearings in Port Hedland at which a number of issues were raised. It was stated that local knowledge is absolutely vital in an emergency. Anyone in any country town will say that local knowledge is vital. It is no good having an outsider telling people what to do, because local people have the resources and knowledge. Relationships that have been built up over time become essential during an emergency. People rely on each other and know exactly what they are doing. It is vital that the State Emergency Service understands the different cultural requirements of various communities. According to people that the committee talked to, SES staff tries to get close to key people in the community. Local people must run operations according to FESA policy and procedure. It was stated that staff turnaround policies increase the difficulties for government agencies, particularly police, in local decision-making positions. Local people must run an operation during an emergency. That issue was highlighted by the Bridgetown fire, when conflict arose between Conservation and Land Management, the local fire brigade, the bush fire brigade and other emergency services because there was no overriding command. The local bush fire chief, Brian Wheatley, who did a sterling job, gave control to CALM. The issue that arose was: who would take control of a fire that was burning on a such a massive scale? Those things have been ironed out in the Emergency Management Bill insofar as they have been written on paper. However, it must be local people first in an emergency. I do not know whether that issue will be ironed out just because it has been outlined on paper.

Most natural disasters in the south west are caused by fires and storms, and I speak from that point of view. On a broader scale, Western Australia has suffered from flood and storm damage, cyclones, earthquakes, fires, and chemical spills and toxic fumes. Fortunately, we have not been the target of terrorist bombings. God willing we will not have to suffer the consequences of the recent terrorist bombings in London. However, we should be prepared. This bill will prepare us as much as it can on paper.

In October 2004, the Auditor General published a report about responding to major bushfires. The report, which was rather critical and damning, made recommendations for improvement. The report was excellent because its findings and recommendations were easy to follow. Once again, some of those recommendations have been picked up and followed in this bill. The Auditor General's report pointed out that the state's emergency management plan - Westplan Wildfire - needed much improvement. I presume that, once this legislation is passed, that plan will become obsolete. I will outline the flaws of the state's emergency management plan and refer to them during the committee stage of the bill. The Auditor General quite rightly pointed out the deficiencies of that plan, including a lack of support for the plan through bushfire and emergency management legislation or, alternatively, as a component of an integrated and actively supported planning framework. There was unclear local government support. During the Bridgetown fire, it was clear that local government was unsure of its legislative role. In fact, during the Bridgetown fire, local government had the overriding arch command post most of the time. It also worked with other agencies. FESA and CALM developed the plan, but the extent to which local governments endorse or support the plan is unclear. No local government is signatory to the plan. That will be rectified in the bill.

I was particularly interested when the Auditor General said that Westplan outlines the means for managing a number of bushfires across a region. This includes the appointment, through a consultative process between FESA, CALM and local governments, of an operations area manager to monitor and coordinate operational priorities and resource needs. However, FESA and local government do not have the legislative authority to carry out that role. Although CALM is able to strategically manage priorities and resources across the regions, it is limited to fires burning on or near CALM-controlled land. I understand that this bill will give legislative authority. I am interested to see how CALM fares as the legislation progresses. Although CALM is responsible for bushfires on its land, it is certainly very quick to help out when bushfires are not on its land or when bushfires are on land that adjoins its land.

Once again, I relate only to what I know and to what I saw in the Bridgetown fire because I was in the thick of it. There were management issues about who did what and when, which were well documented after the event. CALM held briefings with local government and bush fire brigades, and through that debriefing process a paper was written up so that other local governments could see what happened. People have learnt from that. From my experience, it does not matter how good a plan is on paper; when disaster strikes, it all comes down to how good the people who have the local knowledge are on the ground. That is invaluable, as I said before. If everyone knows what they have to do and where they have to go during an emergency, and everything is set out and works properly, that is fine. However, the human element of an emergency situation means that A, B, C and

D of a plan are not always followed. That is where local knowledge is important. As is stated in the Auditor General's report, a good plan relies on lower level planning being established and being reliable and up to date. The report further states -

Lower level planning includes developing bushfire response plans and establishing emergency management arrangements. Bushfire response plans should be formulated at brigade, local government, district and regional levels. Plans should contain operational and logistical information such as contact details of brigade members, machinery operators, FESA and CALM personnel, descriptions and locations of high bushfire risk areas and residential areas, map, the protocols for fire duty rosters and 'calling out' of brigades, mobilisation plans across districts, and where to source local supplies.

That is not an easy task. He also states that -

Emergency management arrangements at local levels are the responsibility of the Local Emergency Management Committee, which is chaired by the local government nominee. Emergency management arrangements should include evacuation procedures and the designation of safe places, broadcasting of public information, and alerting hospitals and medical services.

At the time of the Bridgetown bushfires, the local government did not have an evacuation procedure. I think a lot of local governments were in the same position. I now have the up-to-date figures about the evacuation plans of local governments. However, at that stage no-one would have known where to go. Dear old Telstra! We certainly do have some trouble in the bush. At Windy Ridge, where the bushfires started, there was no mobile phone coverage. There is a bit of a problem with communications in the bush, because even though the bush fire brigades have radios, once the phone lines are down it is virtually impossible to get any communications through. Even with the best intentions and plans, things can still go wrong. During the Bridgetown fire, Nannup Road was closed, because that was where the fire was coming through, but someone forgot to alert Nannup District Hospital, so it actually sent an ambulance down Nannup Road at the same time as the fire was raging. There also happened to be cyclists on Nannup Road. They probably would have made the Olympic record between Nannup and Bridgetown at the time, particularly when they came through the worst of the fire. People forget things in emergencies.

The Auditor General also pointed out in his report that there are no supporting telecommunication plans. He describes the plan as follows -

The Plan cites the importance of good communication between local, district and regional authorities at all times, to enable accurate intelligence and timely application of resources to manage the emergency. However, there is no compatible radio system across emergency service organisations (eg across FESA, St Johns Ambulance and Police) and there are no inter-agency telecommunication plans and procedures which detail how the necessary links between emergency services should be established during a bushfire emergency.

As I have said, mobile phones do not work in many parts of the south west. I was concerned to hear that, during the Bridgetown fire, one officer - I will not say where he came from or for whom he worked - had six satellite phones on board his vehicle. However, when one of the property owners told him that she was not leaving her property, because her husband was a volunteer firefighter and they knew how to defend their property, and she asked whether she could have one of his satellite phones because she was feeling very unsafe, he said, "No, if you will not leave your property, I am not going to give you a satellite phone". I am telling that story in this place because I believe it is dreadful that it occurred. She was scared for her animals and her property. The legislation contains overriding powers to enable emergency services personnel to remove people from their property. A lot of the people in my area contacted me when they knew this bill was coming on for debate and asked me to make the minister aware that sometimes people can save their homes and property from fire damage if they are allowed to stay and protect their property. I fully understand that in an emergency it may be necessary to force people to leave their homes, but that must be tempered with the fact that in some situations people are able to save their homes and property if they are allowed to stay. It would create a lot of fear in local government regions if someone from Perth were allowed to override a local community. I know the minister has consulted widely on this bill. The minister stated in her second reading speech -

The bill makes provision for powers to address gaps in the existing legislative authority of emergency management agencies, which gaps have limited the ability of the responsible agencies to take appropriate action to ensure the safety of people and minimise damage to property. An example is that, except in very limited circumstances, none of the agencies responsible for managing the response to emergencies has the legislative authority to evacuate members of a community who have been affected, or are being threatened, by an emergency, such as a flood or storm surge. If a community member refuses to accept the advice of emergency service personnel to evacuate, in addition to placing himself in danger he is also placing emergency services staff and volunteers at risk when a rescue becomes

necessary. These provisions will ensure that emergency management agencies have the capability to legally take action to maximise the safety of communities affected by an emergency and to ensure that members of the community do not place the broader community or emergency personnel at risk through their actions. However I should note that the powers conferred by the bill may be exercised only in prescribed circumstances and by designated persons, and may be further limited by regulations.

As I have said, I understand the need for those powers to be contained in the legislation. However, if a fire were coming and I knew best how to protect and save my property, I would have a bit of difficulty if I were forced to leave my property.

I have been talking mainly about bushfires. Seven of the 11 disasters mentioned in the second reading speech were due to fire. It mentions the Moora floods in 1999, Cyclone Vance in 1999, the Gascoyne River flood in 2000, the Mt Barker bushfires in 2000 and 2001, the flooding at Kiwirrkurra in 2000 and 2001, the Albany bushfires in 2001, the Carramar bushfires in 2001, the Ledge Point-Lancelin bushfires in 2003, the Tenterden and Bridgetown bushfires in 2003, and the hills fires in January of this year.

I have a few concerns about the Emergency Management Bill. However, in general, it will clear up the legislative gaps. The findings and recommendations in the Auditor General's report are very important. He found that the Australian Inter-Service Incident Management System has been adopted by the state firefighting authorities in Western Australia and throughout Australia; however, its adoption at local government level is varied, with some local government brigades fully embracing it and others not. That is getting back to the communication problem. He found also that there are training and development issues that need to be addressed across all firefighting organisations, such as barriers to the take-up of training by volunteers, which impacts on volunteer safety during major bushfires, and the fact that the Department of Conservation and Land Management faces challenges in maintaining its current level of trained staff. That is very important down our way, because a lot of bushfires occur in the south west of the state, but we do not have a sufficient number of trained CALM staff. Apparently it takes 10 or 11 years to train CALM personnel so that they are spot on. If we do not have enough trained CALM personnel in that area, we will be in deep trouble.

The other thing that concerns me from the report is the use of private bulldozers in fighting fires. Because of the dieback problem, most private bulldozers need to be washed down before they can be used in a fire. In an emergency situation surely to goodness a bulldozer should not be hosed down before it is used to put out the flames. That is one silly thing I thought I would bring up.

The findings and recommendations continue -

FESA needs to ensure it has sufficient staff to effectively assume control of major bushfires, if requested.

Major bushfires have exposed local level planning weaknesses which have reduced the effectiveness of fire fighting efforts.

I am sure the government is hoping that this overriding legislation will fix that problem. However, it will be harder than just doing that.

To continue -

Problems with telecommunications systems across organisations have hampered effective operations.

That will not be solved overnight or by putting words into legislation.

To continue -

The adequacy of volunteer appliances and equipment could not be determined, as the model for determining resource need based on bushfire risk, has not been systematically applied across all local governments.

Therefore, this Emergency Management Bill will provide for one system across all local governments.

The findings and recommendations continue -

CALM relies on heavy machinery contractors to support its fire fighting capability and while past shortfalls in availability have been rectified, consistent monitoring is needed to avoid this happening again.

When the logging industry stopped in my region, heavy machinery was a bit scarce on the ground. It has been found that the big machinery that was once there is no longer available and it puts my community in danger.

To continue -

FESA should, in addition to its current initiatives, develop and implement structured programs (with clearly identified objectives, target groups and time lines for achievement) aimed at:

increasing the level of adoption of AIIMS by local governments and volunteer Bush Fire Brigades

improving local government bushfire emergency and response planning.

Fire fighting organisations should address their training and development issues.

Fire fighting organisations should resolve telecommunication problems and work with other emergency service organisations to establish compatible telecommunication systems.

When I was shadow Minister for Emergency Services, it was the State Emergency Service in, I think, Pinjarra that said its radios had been cut from six to two. The people in the bush have a huge problem with telecommunication systems. Even though government money has been put into the Fire and Emergency Services Authority, it is a different system. The fire brigades are having to give back equipment to head office, which they do not like.

To continue the findings and recommendations -

FESA should continue to identify and remedy any under-resourcing of brigade appliances and equipment while the risk based model for allocating resources is being finalised.

CALM should systemically evaluate its heavy machinery capability, and in particular the ability of heavy machinery contractors to provide a timely response to bushfire incidents on an ongoing basis.

I understand that the heavy machinery operators are paid to be on call. We have a problem down south now that the timber industry is no longer there.

The opposition will support this bill. It is a good bill. I remind the minister that, because it is on paper, it does not mean it will work effectively and he might have to think it through again and continually reassess. Local government is being asked to do an awful lot. However, I cannot see that it is involved at the top level; it is involved at the lower level. When in committee I will point out the areas in which local government could play a greater role.

**HON KEN BASTON (Mining and Pastoral)** [9.54 pm]: I have an interest in this bill, having read the minister's second reading speech and the explanatory memorandum.

The whole-of-government approach to disasters, including cyclones etc, is very important. It only appears to come about after the event takes place and then it is already too late. Many aspects of emergency management need attention. I will give some examples to this house. Weather reporting is very important for warning people of the many disasters that occur, but that reporting is not always accurate. Radar and satellite imagery play a major role in weather reporting and those facilities are increasing along the coast, however they break down.

I will give an example of what occurred in the past with some cyclones. Cyclone Herbie was not supposed to strike onshore; it was well out at sea. However, at two o'clock in the morning it struck on land. The radar in Carnarvon broke down and the staff were very embarrassed. However, a ship waiting some five kilometres off Cape Cuvier to load salt had been given the all-clear that the cyclone would not affect it. That ship emptied its ballast and then the cyclone struck. It had no control whatsoever. That ship was absolutely rudderless. It was a two-year-old ship and it ended up on the coast in the early hours of the morning and a major rescue took place to get the 27 crew off the ship.

Warning was given of Cyclone Vance; a very severe cyclone that did a lot of damage to the town of Exmouth. After that cyclone, no-one knew who should be providing the trucks and there was a mad scramble to help the people of Exmouth to re-establish themselves.

Flooding in the town of Carnarvon has occurred on several occasions. Each time it is a major disaster and the plantations are washed away and people's homes are flooded. The major problem is that no-one is in control.

I notice in this bill that local government is one of the major central control figures. I support that in local government. However, what happens when there is flooding of the magnitude that has previously occurred in Carnarvon? It comes down to who will pay; who has the funds. I cannot find any provision in the legislation for a fund that will be readily accessible by the government of the day to distribute to a local government committee to carry out the emergency work that will be required. In the last floods in Carnarvon many of the plantations had their access roads totally wiped out and they had no ingress to or egress from their plantations. At the time the local shire discussed where it would get the necessary funds. I will give a plug here to a former member for Ningaloo, Rod Sweetman. He got sick of worrying about where the funding would come from. To his credit, at

two o'clock in the morning he jumped on a loader and fixed some of those roads. The sad thing is that the local people thought the local authority had done the work in the evening.

I totally support the whole-of-government approach, but the key is to set aside funding for emergencies - fire, floods, cyclones or, dare I say it, a terrorist plot. We need to be able to tap into those funds and have control over them.

To get back to the control by local government, each area needs a designated control centre. In the past, with flooding, the State Emergency Services and police ran around and that created a problem. There was no centralised area of control. This bill is an indication that we are heading in the right direction with emergency management.

I refer now to insurance for volunteers, of whom there are many, involved in these disasters. I refer to firefighters and rescuers of people stranded in flooded houses and affected by cyclones.

Debate interrupted, pursuant to sessional orders.

*House adjourned at 10.00 pm*

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