

**BUSH FIRES AMENDMENT BILL 2022**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON MARTIN ALDRIDGE (Agricultural)** [5.04 pm]: I rise to continue my contribution to the second reading of the Bush Fires Amendment Bill 2022. Before question time, I was about to embark on my next theme on why the change is needed. In my earlier remarks, I pointed out the significantly outdated scientific underpinning of the current model, which is more than 60 years of age. We have obviously got a similar period of learnings in which to inform a new, more modern and more accurate model for predicting fire danger. It is interesting to note that the program that led to this point saw the states and territories embark on a significant body of social research. I am informed that it was the third largest body of social research that had been undertaken in Australian history. That begs the question about what beats it in first and second position. I am not sure whether the Minister for Emergency Services would have that information available.

**Hon Stephen Dawson:** You would be testing me.

**Hon MARTIN ALDRIDGE:** But it would be a really good quiz question, perhaps, minister. It is a very significant body of social research. It is interesting to reflect on a couple of the findings in brief. Most people thought that fire danger ratings predict the likelihood of a fire starting. Of course, fire danger is a way to forecast and communicate how dangerous a fire could be if one were to start. That is a common misconception around what fire danger ratings are and what they indicate. There was also confusion over what action to take, especially towards the higher levels of the rating system. That is something that I will come to in time. Before the interruption, I was saying that some simple messaging goes along with each of the four ratings—moderate being to plan and prepare, high being ready to act, extreme being to take action now to protect life and property, and catastrophic being for your survival, leave bushfire risk areas.

The other thing that I want to talk about, and this probably goes more to the underpinning model, is the change from the fire danger index to the fire behaviour index. It is probably not useful to consider the technical aspects of that change, but I want to contemplate some practical aspects in the course of the passage of this bill. Obviously, the FBI and the resulting fire danger rating will allow for better operational and tactical decisions. I group these into two categories: preventive decisions and response decisions. Some of the preventive decisions will be things like when and how harvest vehicle movement bans and total fire bans are issued. It may well relate to decisions around the prepositioning of incident management teams or indeed strike teams, or it may even inform the level of standby at which particularly our resources, predominantly volunteers outside of Perth, may well be ready to head off on days of very significant fire danger rating. From a response perspective, it will help to inform decisions, perhaps even before a fire starts, in terms of the likely success of the type of attack and whether an offensive or defensive strategy is engaged. As I said, these sorts of decisions and contemplations could be made well before a fire even commences. The ratings could also inform the level of response that is provided. We have, particularly in the bushfire prone peri-urban areas of Perth, an enhanced level of response during the high threat period—often referred to as a zone 2 or zone 2A response. It may well play a greater role in informing the levels of response in other parts of the state experiencing particularly the catastrophic fire danger rating, or even other fire danger ratings, rather than to provide just a specific location.

I now come back to the issue of community engagement. From my perspective, the government's strategy on community engagement and education is not exactly clear. I note the comments that I reflected upon earlier around the government's response, particularly to recommendation 13.2, and also its comments on recommendation 13.1, which is that implementation of the Australian Fire Danger Rating System should not be rushed if that will mean compromising the important aspect of community education and engagement. Some figures were suggested in the other place in the course of the passage of this bill. I am looking for my notes. I think one of those figures was \$1.95 million. It is not clear to me whether that all relates to the Australian Fire Danger Rating System or also to other aspects of the implementation of recommendations of the royal commission.

A figure was also mentioned in the media statement of 16 December 2021, to which I have referred, namely that \$363 000 has been allocated to Western Australia as part of the national rollout of the new AFDRS. I do not know whether that \$363 000 is the AFDRS component of the \$1.95 million that was provided by the commonwealth. It would be good to get some understanding, at least initially, of the quantum and source of funds that have been provided to this task, and also what the strategy is. I have seen a significant amount of promotion about the change to the Australian warning system, not to be confused with the Australian Fire Danger Rating System. A significant online campaign is running at the moment to educate people around the changes to the Australian warning system. That is obviously the element that is put in place when a fire, or, indeed, another type of emergency or natural disaster, commences. It will be interesting to understand when and how the community education piece around the AFDRS will start. I assume that the AFDRS will start on 1 September, so it is only days away from implementation. I have not seen much work on that, apart from, obviously, agency preparedness, or the training piece that goes with career

staff and volunteers, and also with the plethora of brigades, groups and units across Western Australia. Unless I am mistaken, public education about the AFDRS has not yet commenced.

I also seek some greater level of understanding from the minister of what I would refer to as the downstream decision-making around the AFDRS implementation. Obviously a lot of internal decisions are made based on the fire danger index, or the future fire behaviour index. I am referring to not only agency decisions, but also how they will relate to community decisions about fire danger ratings, or at least we hope they will relate to community decisions about fire danger ratings. I also want to get a better understanding, particularly at the level of stakeholder engagement, of where other agencies or stakeholders, or not-for-profit organisations, might rely upon a fire danger rating for the enactment of their internal policies or decisions.

A couple of decisions come to mind, both of them in the public sector space. One is the policy of the Department of Education. I was not able to find a publicly available document, but my understanding is that under the current system, if a school is in an area that has a catastrophic fire danger rating in place, the department will close the school and send the children home. I have always thought this to be a rather peculiar response. Obviously the simple messaging that is linked to a catastrophic fire danger rating is, "For your survival, leave bushfire risk areas." However, there are considerable practical implications to doing that, particularly when there might be an extended period of fire danger rating at that level, or when it affects a significant part of the state. Having to leave a region for a period of time, whether it be a day or more than a day, presents some practical difficulties. That also applies to the closure of a school. I am not sure whether the Department of Education policy extends to a fire danger rating that is lower than catastrophic. I think that at the moment it is limited to the catastrophic rating.

In my experience, the fire risk at schools is well assessed and understood. Schools have buildings that have been assessed as fire refuges, and others that have been assessed as vulnerable to fire. There has been considerable assessment and thought around how to effectively conduct an internal evacuation of people on a school site to a safe place. That begs a question about the risk of closing a school and sending all the children home for the day. I am not sure that many of those children would necessarily leave the region if a catastrophic fire danger rating was in place. Many of those children might well be unsupervised at home because their mums and dads have to remain in the workplace, or are playing an important function in our community. They may even be volunteer emergency service responders. I will need to do some more research to understand the rationale behind that Department of Education decision.

To come back to my initial point, the department's internal policy is linked to a fire danger rating system. We are proposing to collapse that system from six to four—namely, moderate, high, extreme and catastrophic. Will schools close when the fire danger rating is extreme and catastrophic, or when it is high, extreme and catastrophic? My concern about the way in which we are expediting this change is that I am not completely confident that some of these external agencies, if you like, have fully contemplated this change which we are legislating for and which will take effect in a matter of days.

The other agency that stands out for me is Western Power. In my view, Western Power has a policy that is more about mitigating its risks than fully appreciating the risks to the community. For example, Western Power puts a policy in place internally in its organisation when a fire danger rating of very high and above is forecast. That policy relates to a number of different things. It includes the way in which Western Power responds to the activation of an automatic closure of the network. It does not try to reconnect the grid without a physical inspection, but often that physical inspection is prevented from being done because of the fire danger rating and also because of its policies that prevent its crews from going off road and into environments where they might start a fire. Western Power's internal policy is triggered on a fire danger rating of very high and above.

On 1 September, the rating of very high will not exist. I wonder whether Western Power has understood that this change is coming and has amended its policy so that it will be enacted. It will be interesting to understand the impact of that based on the new AFDRS. In my view, the policy of Western Power is entirely or significantly focused on mitigating its business risks. It does not give enough consideration to the risks to the community. It could be the case, for example, that a pole-top fire has triggered an automatic closure and power has been lost. Its policy says, "Today there is a very high fire danger risk. We are not going to try to re-engage the network until we are sure that the network is safe to be re-engaged." The problem is that the Western Power crew sits on the side of the road and waits for the fire danger rating to drop, usually when nightfall arrives and temperatures drop, and then goes out and inspects whether there is a fault, and it could be the case that that fault has resulted in a ground fire while they have been waiting on the edge of the road.

The other impacts have been well canvassed, including the impact on telecommunication networks and of course radio communication networks. We know from questions asked in this place that there is insufficient redundancy of the critical radio communication networks in Western Australia. We often focus on telecommunication networks, in particular the loss of mobile phone coverage and the impact that has on emergency management generally because there are many aspects to it. According to answers I have received from questions I have asked in this house, DFES

does not know when its radio network goes down. It has no ability to say whether one of its critical repeater sites has gone dark. It does not trigger a message to the communication centre to say that a technician needs to get on the road because power appears to have been lost at Red Hill, for example. DFES waits until somebody reports that their radio network is down. When do we think DFES might get a report that a repeater in a country town is not working? That would probably occur when it receives a 000 call, so someone would jump in their vehicle, about to report that they are leaving their brigade or unit, and the radio network is down. There are certainly significant implications, some of them borne out in the Shepherd review. A case study in the Shepherd review goes to this very issue of the repair of radio communication sites prior to the rolling blackouts at Christmas last year. They are just two examples—there are probably many more—of how non-agency, non-DFES, non-emergency management decisions and policies will be impacted by the change to the Australian Fire Danger Rating System in Western Australia.

I want to talk about a couple of issues before I take my seat. People often link fire danger ratings to the signs on the side of the road. We often see a significant number of them. I do not think I will be able to put my finger on the number very quickly, but I think there are something like 145 static signs and 40 digital signs.

**Hon Stephen Dawson:** You are correct. Those figures are exactly right—145 and 40.

**Hon MARTIN ALDRIDGE:** That sounds like a significantly smaller number than I have seen proliferated around the south west land division, in particular. One of the problems with the static signs is the confidence around when the fire danger ratings are changed because obviously it is a daily exercise when there is a change to the fire danger sign in the local fire weather district. The other issue is the local fire weather districts themselves. We are increasing the number of fire weather districts from 37 to 47. We will get more localised fire danger ratings. The signs are obviously located on the edge of a road. There is no painted line across the road saying that people are now entering the next fire weather district, showing the fire danger rating that applies. There are some limitations to the fire danger rating signs. I thought there would be more than the numbers we have been provided. I understand that DFES engaged with local governments to ask what they had and what needed to be replaced. I understand that most of these signs will not be updated prior to 1 September. That does not keep me awake at night. There are so many other sources of fire danger ratings available now. I highly doubt that the signage on the edge of the road would come close to being a primary source of information of fire danger ratings. Nevertheless, a project is under way, I assume funded by the \$1.95 million, hopefully in part, for the replacement of these signs in time.

I turn to another issue about which I wanted to seek some assurances. I asked this question at the briefing. I am not sure that we can compare a rating under the fire danger index to the fire behaviour index. If that were the case, consideration of this bill would occur much quicker. During my briefing, I sought an understanding of the way in which it would impact decisions that were linked to the fire danger rating. For example, under the current system, when someone is issued with a permit to burn, they are prohibited from burning when the fire danger rating in their locality is catastrophic, extreme, severe or very high. That can be bypassed by the decision of a fire weather officer, who is authorised to do so under section 38(17) of the Bush Fires Act. A local and properly appointed fire weather officer can make a decision that is consistent with the act that would allow a person to burn on a day under one of those ratings. That is interesting. I am sure that will be contemplated as part of the long-awaited review of the emergency services acts in Western Australia, which are certainly ageing rapidly. I am sure this aspect will probably be considered in the whole approach to permits to determine whether it needs to be modernised or whether changes are needed.

I return to my point about the AFDRS. I wanted some assurance that there would be fewer windows under the new fire behaviour index. I do not suspect there will be more. I wonder whether that window with respect to the ability to conduct a hazard reduction burn will become even narrower. It is not that easy to compare the two. For example, if we considered the current prohibition to burn under a catastrophic, extreme, severe or very high FDR, that would require an FDI below 32 under the current system in order to exercise a permit to burn. I understand that under the new system, someone will not be able to conduct a permit burn on a fire danger rated day of high or above, which is an FBI of 24 and above. To conduct a permit burn, there would need to be an FBI day of below 24. As I said, because of the significant change in the model as we go from FDI to FBI—from 32 to 24—it would be helpful if some analysis, modelling or confidence could be provided to this house about how we might draw a comparison between the two. There are obviously many factors, which I have mentioned, including the vegetation models, the increasing number of fire weather districts and the increasing number of inputs into the model. They are all things that probably make it very difficult to draw comparisons between an FDI rating and an FBI rating.

There are a number of provisions in the bill. I think we are amending four sections of the Bush Fires Act. They are literally quite simple amendments; we are simply removing the old labels and inserting the new labels. That is a simple legislative amendment. It is important to understand the impact. Because of climate change—or, as the commissioner likes to refer to it, the changing climate—there is already pressure on hazard reduction burning in Western Australia. There are already narrower windows of opportunity, generally. If we are going to make that window even narrower, I think we should do so with eyes wide open and actually understand the impact. We heard during budget estimates hearings that there is pressure on mitigation activities. That is not only related to this issue;

there are other factors, but we are seeing significant carryovers in mitigation activity funding in the budget, and it concerns me that we are not hitting those targets. Will we, through the Bush Fires Amendment Bill 2022, make those targets even more difficult or more challenging to achieve?

I am not sure that the minister and I will be able to reconcile our differences on this next question: is the bill before us a uniform legislation bill? The government will make its arguments, and I suspect it is largely motivated by the significant lack of time left within which to make this legislative amendment prior to the implementation, on 1 September 2022, of the nationally consistent Australian Fire Danger Rating System. Members might be aware that on 10 August 2022, when this bill was introduced and second read, I raised a point of order with the President, who was presiding at the time, with regard to the application of standing order 126, which relates to uniform legislation. It provides that a uniform legislation bill is a bill that ratifies or gives effect to a bilateral or multilateral intergovernmental agreements to which the government of the state is a party; or, by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the commonwealth.

The minister at the end of his second reading speech made the customary disclaimer to say that the bill was not a uniform legislation bill. I do not think any explanation was given beyond that, but it is interesting to read the two paragraphs in the second reading speech prior to that disclaimer. The minister stated, with regard to the key points of the AFDRS —

Finally, it will build a truly national system. This will provide benefits such as reduced development costs, better resource sharing, less chance of public confusion and improved national outcomes.

Two paragraphs later, the minister stated —

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

Or does it?

On 10 August I raised a point of order with the President and I set out a number of facts, including that the genesis of this bill, as I have previously mentioned, was found in a decision of the emergency management ministers of the Law, Crime and Community Safety Council, which is a ministerial council and which agreed in 2014 to develop the new national fire danger rating system. The Department of Fire and Emergency Services website states —

The Australian Fire Danger Rating System ... Program is a national project working to design and implement a new fire danger rating system.

The Australian Fire Authorities Council website states —

The Australian Government and all state and territory governments recognised the development of a new national fire danger rating system as a national priority in 2014 ...

At its 8 April 2016 meeting, the Australian and New Zealand Emergency Management Committee (ANZEMC) approved a staged approach that would maintain momentum and enable the latest thinking to be incorporated as the system was developed.

A national Program Board with jurisdictional and national representation was established in late 2016 to oversee the development of the new Australian Fire Danger Rating System (AFDRS).

For the benefit of members, ANZEMC is a senior officials' committee that is responsible for emergency management, and it reports to the national emergency management ministers meeting. I also draw members' attention to the minister's second reading speech when he said —

Finally, it will build a truly national system.

Clause 4 of the explanatory memorandum refers to —

The new nationally agreed consistent AFDRS model ...

I am struggling to find an argument to facts that would sustain an argument that this is anything but a uniform legislation bill. The minister's response to my point of order on 10 August was, effectively, that Western Australia is the only state in Australia that has to legislate, or amend primary legislation, to give effect to the new nationally agreed system. I am not sure whether that is a sufficient defence. As members will be aware, when implementing national agreements, model laws or model schemes, every jurisdiction's statute book varies and the changes vary. Sometimes it requires primary and subsidiary legislation to be amended; sometimes it may well be a legislative amendment or a policy amendment. There is a range of forms through which uniform legislation or schemes are introduced. If we accept the minister's argument that we are the only state acting, what is the test? Does every state

and territory require an amendment to their primary legislation for it to be a uniform bill and therefore subject to standing order 126? I do not think so.

The President gave a ruling on 11 August that I respect and agree with. Her ruling was, effectively, that it is not up to the President to decide whether a bill is a uniform legislation bill; it requires either a declaration by the member in charge of the bill, or a decision of the house. Those are the two opportunities available with regard to conflicts of this nature. I can recall at least two other occasions during my time in this place when a member has challenged the assertion of a member in charge of a bill that the bill was not uniform legislation, and the house has agreed to discharge the bill and refer it to the Standing Committee on Uniform Legislation and Statutes Review.

I also draw members' attention to recommendation 2 of the 115<sup>th</sup> report of the Standing Committee on Uniform Legislation and Statutes Review of the fortieth Parliament, presented by Hon Michael Mischin in August 2018. Hon Pierre Yang might be interested in this report, because he was a member of that committee. Recommendation 2 states —

The Committee recommends that a second reading speech that asserts that a bill is not a Uniform Legislation Bill should give detailed reasons why the bill is not a Uniform Legislation Bill.

That was recommendation 2 of that committee in August 2018.

The sixty-third report of the same committee, presented in June 2011, might also be of interest. It was titled *Information report: Scrutiny of uniform legislation*, and there is a section, on page 8, headed “What constitutes ‘uniform legislation’? I pause there to draw members' attention that what I am about to quote refers to an old standing order, 230A, which has been replaced by standing order 126, with regard to uniform bills. Paragraph 3.14 states —

There appear to be recurrent misunderstandings that SO230A applies only:

...

- in the event a model bill or legislation identical in all jurisdictions is presented to the Parliament.

Paragraph 3.17 states —

SO230A(1)(b) confirms that a formal, written intergovernmental agreement is not required for SO230A to apply to a bill. Under SO230A(1)(b), the critical factor is whether the “*subject matter*” of the bill is such that the bill introduces a uniform scheme or laws.

I think they assist us in contemplating this conflict we have regarding this bill, particularly when we consider the evidence that I presented, which I do not think would be in dispute, that —

At its 8 April 2016 meeting, the Australian and New Zealand Emergency Management Committee ... approved a staged approach that would maintain momentum and enable the latest thinking to be incorporated as the system was developed.

I do not think that is in dispute. There probably is a written agreement; nevertheless, paragraph 3.17 goes to issues on which there may be agreement, whether it is informal or it is not written. Paragraph 3.24 of this report, under the heading “Uniform legislation is not required to be identical or model”, states —

The key to identifying ‘uniform legislation’ is whether it has a harmonisation purpose.

Footnote 29 states —

As noted by the former Standing Committee on Uniform Legislation and General Purposes: “*some collaborative arrangements may not necessarily involve identical or even common legislative elements at all. Indeed it has been suggested that the phrase “harmonisation in law” is also an appropriate description for uniform legislation.* (Western Australia, Legislative Council, Standing Committee on Uniform Legislation and General Purposes, Report No. 23, *The Work of the Committee during the Second Session of the Thirty-Sixth Parliament—August 13 2002 to November 16 2004* ...

I repeat that paragraph again —

The key to identifying ‘uniform legislation’ is whether it has a harmonisation purpose.

I do not think any evidence has been presented that could suggest to the contrary.

**Hon Pierre Yang:** Which report was it that that you referred to that I was part of that process?

**Hon MARTIN ALDRIDGE:** I am pretty sure it was the 115<sup>th</sup> report.

I do not think there is any dispute that this bill will create a nationally agreed fire danger rating system across the commonwealth. I do not think that matter is in dispute. The problem is that the minister has declared that it is not a uniform legislation bill. He provided no explanation in the second reading speech. The only explanation given, in

response to a point of order, was that because we are the only state that is legislating, purportedly, it is therefore not a model uniform legislation bill. I beg to differ.

I reassure the minister that the opposition—soon to be government—supports the bill before us and will not seek to move a motion to refer this matter. But I express caution, particularly about the way in which this bill has been brought on. After its genesis in 2009, a decision in 2014 and significant development over the last number of years—almost a decade—the opposition will not seek to delay the passage of this legislation ahead of the 1 September 2022 implementation date. We do that with significant reservation. I hope the minister will turn his mind to this matter in his response to the second reading debate. If not, it will perhaps be further contemplated when we get to the Committee of the Whole House stage of the bill. With those remarks, I support the passage of the bill that is before us and I look forward to the minister’s fulsome response to the issues that I have identified.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [5.44 pm]: I want to make a very brief contribution to the debate on the Bush Fires Amendment Bill 2022, which is before the house today. Hon Martin Aldridge, as the lead spokesperson for the opposition, has made a fulsome contribution. I want to check a couple of things with the minister and make a couple of quick points. As I understand the bill, we will move from a six-level system of fire rating to a four-level system. In a nutshell, we will go from low-moderate—I am a bit interested to see how low and moderate work together—high, very high, severe, extreme and catastrophic. Can the minister confirm that those are the six that we will leave, and we will simply move to moderate, high, extreme and catastrophic? We are very much in favour of a uniform system—if that is not currently a dirty word—so that everybody across Australia, particularly people driving in regional areas, will know the sorts of activities that are applicable.

I want to pick up the point that Hon Martin Aldridge made around signage. I simply make the point that the people who drive around and see those 145 road signs often make the comment that there is not much on the low side and everything seems to be severe, extreme and, hopefully only occasionally, catastrophic. A question was asked earlier about how important those road signs are and how much emphasis is placed on what they say. I think that spills over a little into the general feel of the community about what importance they place upon the fire danger ratings. I know that I, like a lot of other people, probably take a lot more notice of the total fire bans and the harvest vehicle movement bans that are announced on the ABC, for example, because we drive past road signs all the time. If the rain is pouring down, occasionally we get a rating of low or moderate, and I think, “You’d work pretty hard to start a fire in the middle of the storms we had the last week”.

The lowest rating is low-moderate risk. I think that in the same way we get a bit of COVID fatigue around all the rules, people also get a bit of alarm fatigue around the ratings that we see, particularly when we can pretty much guarantee all the time that it is somewhere between high and severe. For those who are technically involved in bushfire management and preparation, those different levels hold more significance, because they have a direct outcome. But for the larger part of the community, I suspect, we get a bit of burnout particularly around signs, and as was pointed out, sometimes they do not always say the same thing, although the conditions look very similar. I would ask the minister to confirm that as we move from the six-rating process to a four-rating process—obviously there will be, I presume, some form of education program to make people more aware of what each of those ratings mean—can we look at the importance with which those ratings are placed in the public, particularly on road signs? If we drive around the south west, some of the old ones have the old arrow that is moved across from left to right—it is always a bit more catastrophic, apparently, the further right it goes. I am not necessarily a believer in that as I think that is probably the safest section to be in, but that is a whole other argument!

**Hon Martin Aldridge:** The left is not even a rating under the new system.

**Hon Dr STEVE THOMAS:** That is right.

Regarding the low-medium rating—the Bureau of Meteorology site has low-medium—where do we go with that?

**Hon Dan Caddy:** In terms of the medium, it is where nothing ever happens—a bit like the National Party!

**Hon Dr STEVE THOMAS:** I will not go there. We have had plenty of forthright debate, today, member, so I will not take up a lot of time with a fairly small contribution on this particular bill.

The focus of the bill is to move from six to four bushfire threat levels. Could the minister describe this in his second reading response? I do not think we will require any Committee of the Whole discussion of what they are, but could the minister give us a description of how we will educate the public on what it means? In the new uniform system, will there be a risk of some sort of confusion in jumping from six to four levels? I know that there is always a fire risk. If wet biological material gets hot enough, it will burn, but I think we run the risk of being—dare I say it?—slightly catastrophist in our discussions. When it is a genuinely high-risk case—severe or extreme—we want a greater awareness for people who drive past the sign and think that it always says “high risk”. We barely ever see a low, so that is just normal. I think that is almost a greater threat. I am not too concerned about exactly what the labels are and how many there are. I think the greater threat is that we become a little bit blasé about the levels. As

I understand it, in the new system, the minimum will be moderate and the next step above moderate will be high. I think we need to make sure that we tell people. I would prefer something that is still low and moderate—whatever that is. I do not want to undermine in people’s minds the risk that they face by more than 90 per cent of the time demonstrating that the risk is high. I am not sure that the average member of the public sees a big difference between a high risk and an extreme risk et cetera. I think on a 45-degree day in the middle of summer when the wind is running at 100 kilometres an hour, probably everybody recognises what catastrophic risk looks like. For the other levels, I am keen to have a very solid education program and a meaningful discussion with the community. Then we can carefully manage that process of becoming complacent because we are always frightened as it is always high. If the minister could address that in his second reading reply, I would be pretty comfortable.

As Hon Martin Aldridge and I said, the opposition supports the bill. We think uniformity is a good idea in this case. It would be nice to see the same rules apply all over the nation. If we could get some feedback on that issue, I would be greatly appreciative.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.52 pm] — in reply: I thank Hon Martin Aldridge and the Leader of the Opposition for their contributions this afternoon and for their indication that the opposition will support the Bush Fires Amendment Bill 2022. I intend to try to get through all the questions raised by the honourable members, noting that there probably will be some questions for Committee of the Whole.

I beg to differ from the comments Hon Martin Aldridge made in his contribution about the benefits to the state from the scheme. He indicated that he was not quite sure what the benefits to Western Australia would be. We have a much more mobile population than we have ever had in this country. Over the last two years when people have not gone overseas or left the state, they have been travelling across the country, particularly grey nomads. People from here are cashed up because they have not spent for two years and, I know from my own electorate, people are travelling over east. Having a nationally consistent rating system will benefit Western Australians, as it will also benefit those from the eastern states who will come to Western Australia after 1 September. Many of them do travel to remote areas that are bushfire prone.

There was a question about education for the public. That will start in earnest on 1 October. The member pointed out that there is \$1.95 million of commonwealth funding. About \$960 000 of that is committed to a communications campaign. The remaining amount of \$990 000 is for signage and temporary project staff. That money is in addition to the \$363 000 that the honourable member mentioned from the press release. The \$363 000 came from the joint commonwealth–state national disaster risk reduction grant program. It is in addition to the \$1.95 million. It is being used to fund Emergency WA updates and for the development of training and communications projects. Emergency WA will be updated. I think the honourable member pointed it out, and I agree with him about the signage. Ideally, the signs will be updated as soon as possible. Lots of people go to the Emergency WA website to get their information. That will be updated and available from 1 September. I could not find out why it is only the third-largest body of social research. If I find that out at a later stage, I am happy to bring it to the member’s attention, but that information was not easily available. Acronyms kill me in this portfolio. Why we have gone from an FDI for fire danger index to an FBI perplexes me, given that normal people know FBI to mean something else. However, we have a job to do to educate the community over the next few months to make sure that people know what is happening with the new changes and when they will take place.

The member made a comment about Western Power. Western Power has been engaged from the beginning and consulted throughout the process. I indicated that the new signs will start from 1 September. Some existing signs have started to be covered in anticipation of the bill passing. Some signs will be immediately available from suppliers and others will be rolled out as soon as possible.

Hon Dr Steve Thomas commented on the new meanings of low and moderate. As he pointed out, we currently have low, moderate and high, which will be replaced by low. In the new system, low will now mean that people need to prepare so that they know what to do if a fire starts. The preparation starts then. People need to be aware and have their fire plans ready and know what to do. The new moderate will essentially mean that people need to be ready to act. That will replace what we have currently.

**Hon Dr Steve Thomas:** Will there still be a category of low separate from the moderate, high, extreme and catastrophic levels in the new system?

**Hon STEPHEN DAWSON:** Sorry; I am reading from old notes now. I will get back to the previous issue in a second.

The resources that will be available include digital resources on the Department of Fire and Emergency Services corporate website and resource packages that will be provided to local governments, volunteers, regional stakeholders and the DFES education and heritage centre. There will be an update of existing community resources with fire danger rating references. Translated material is being developed. Local government CEOs and regional advocates have been engaged with Department of Biodiversity, Conservation and Attractions fire managers and the industry sector and representatives across farming and agriculture. Utilities have been engaged. The state government and volunteer

associations have been engaged. Webinars are taking place for Bushfire Ready facilitators and brigade community engagement officers. That stuff is taking place.

The honourable member helpfully pointed out a couple of reports that have been undertaken by the Standing Committee on Uniform Legislation and Statutes Review. I will also draw to the member's attention the committee's sixty-fourth report, *Information report on uniform scheme structures*. It refers to five different structures, including applied laws in structure 1, also known as template, cooperative or complementary legislation. In this case, legislation is enacted in one jurisdiction and applied by other participating jurisdictions as a law of those jurisdictions.

Structure 2 is model legislation, also known as mirror legislation. This legislation is enacted in participating jurisdictions, with any local variations that are necessary to achieve the agreed uniform national policy in the legislation forming part of the local law. It is drafted either in non-jurisdictional-specific terms or as the law of a particular jurisdiction.

Structure 3 involves legislation of the states referring legislative power to the commonwealth. This legislation can confer either general authority to legislate on a general matter described in the referral legislation or specific authority to legislate in the terms set out in the referral legislation.

Structure 4 involves legislation of the states adopting a commonwealth law. Section 51(xxxvii) of the commonwealth Constitution enables a state, as an alternative to referral, to adopt a commonwealth law enacted in reliance on referral by the states. A referral of power gives the commonwealth greater flexibility to make future changes and to ensure that those changes commence at the same time in all jurisdictions.

Structure 5 involves a combination of structures. Here, some provisions of a legislative project might be dealt with by way of an applied law scheme and other provisions by way of a national model scheme. Those jurisdictions that are currently prepared to use an applied law model to achieve future consistency by delegation of legislative changes to the Parliament of another jurisdiction—the template jurisdiction—might also be prepared to enact national model legislation and delegate legislative changes that are agreed by governments nationally to the executive of their own jurisdiction, subject to a power of the local Parliament to disallow the changes in the same way as they might disallow subordinate legislation made by the executive. Those are the five different structures.

The Bush Fires Amendment Bill 2022 will make very minor amendments to the Bush Fires Act 1954 to reflect the new nationally consistent Australian Fire Danger Rating System. The bill does not fall within the definition of any of the five structures set out above. It does not reflect a uniform scheme or uniform law. It does not implement a bilateral or multilateral agreement or an intergovernmental agreement. The proposed amendments will introduce uniformity in respect of the fire danger ratings. The new fire danger ratings of moderate, high, extreme and catastrophic were arrived at following extensive consultation nationally and at a non-ministerial level initially.

WA is the only jurisdiction that will enshrine the fire danger ratings in legislation, and therefore the only jurisdiction that will require legislative amendment to support its response to the Royal Commission into National Natural Disaster Arrangements. We were told early on by parliamentary counsel that this was not uniform legislation and was not captured by standing order 126.

**Hon Martin Aldridge:** They don't need to vote on it.

**Hon STEPHEN DAWSON:** They do not get to vote here, but they give advice to this place. That was their strong advice, and I took that advice. Government takes that advice.

**Hon Martin Aldridge:** Will you table the advice?

**Hon STEPHEN DAWSON:** No. I cannot table legal advice, as the honourable member knows. It has never been done in this house and I am not starting today.

**Hon Martin Aldridge:** You can.

**Hon STEPHEN DAWSON:** It is rarely done. It will not be done in this case. That is the advice that has been given, and I agree with it.

Going back to the four ratings, they are moderate, high, extreme and catastrophic. Essentially, it is the same thing. I say to Hon Dr Steve Thomas that when it is moderate, we want people to be preparing. People should know what their fire plan is; they should be ready. We are in a changing climate these days. In February this year, we had four level 3 bushfires on the same day. The bushfire seasons in the north and south of the state are starting to overlap. Climate change is real. We want people to be serious about this. What I believe this new Australian Fire Danger Rating System will do is that it will shift a gear.

**Hon Dr Steve Thomas:** I know that is the intent. If you have 100 moderate days in a row, the intent is that people should be preparing after the first few. The question that we will have to face is whether it will still have meaning.

**Hon STEPHEN DAWSON:** That will be an ongoing issue for us. We have to keep educating the community about the risks. A number of us in this place have experienced fires; some of us have worked on them. There were



those big level 3 bushfires earlier in the year. I had the pleasure of visiting and talking to local community members who live in places like Denmark. They said to me, “We should know; we live here. We should have our plan ready. We should know what we are going to pack if there is a fire coming, and we don’t!”

**Hon Dr Steve Thomas:** That’s right. That’s why in the last term of Parliament I tried to introduce some legislation, from opposition, that would intensify personal responsibility in making people more alert. We didn’t quite get there in that case. I agree with you that that is critically important. As I say, there is a risk involved in consistency of alarm, if you will.

**Hon STEPHEN DAWSON:** It is a constant risk. There will need to be a constant education program. Community-awareness products have been developed. Emergency WA is being updated. There will be a national media telecommunications campaign to support the new AFDRS. That will include TV, radio and social media and will be consistent across the board. A new flyer, headed “Australia’s Fire Danger Rating System is Changing”, lists the benefits, the changes and what the new ratings mean. “Moderate” means to plan and prepare; “high” means to be ready to act; “extreme” means that people should take action now to protect life and property; and “catastrophic” means that for your survival, you need to leave bushfire risk areas. The flyer goes into detail about the changing science and the nationally consistent system. I am happy to table that flyer; honourable members can have a copy of it.

I am just going through my notes to check that I have covered the main issues that were raised. Hon Martin Aldridge asked about fire danger ratings and the fire behaviour index. He mentioned them, but I am not sure whether he asked a question.

**Hon Martin Aldridge:** Do you want to do that under clause 1?

**Hon STEPHEN DAWSON:** Let us do it then. In response to Hon Dr Steve Thomas, the education program will happen. I gave a description of the stages. We talked about warning fatigue. We are working with local government authorities on the location and use of signage. That is important. It is certainly important for those of us who travel through places that we are not used to. If there is a sign in your local community, you can sometimes drive past it and not pay attention to it. I think we all probably need to pay a bit more attention to them. I am not saying that it is everybody—there are firefighters in this place who probably pay more attention to these things than others do—but generally in the community, people often drive past signs and do not soak in what they mean. It is important that, as we move forward, we continue to educate the community about the importance of this new system.

That is probably all I will say for now. I will leave it there, noting that other questions can be asked in committee. I again thank honourable members for their contributions to the debate and commend the bill to the house. I also table the document.

[See paper [1498](#).]

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

#### **Clause 1: Short title —**

**Hon MARTIN ALDRIDGE:** I thank the minister for his second reading reply. Just to clarify something that he said about something that I said, I did not say that there is no benefit to Western Australia from a nationally consistent scheme, but I think the benefits are greater for jurisdictions in which interstate travel is much more common.

**Hon Stephen Dawson:** My point is that we have to agree to disagree.

**Hon MARTIN ALDRIDGE:** I want to start with education. The minister has given us details of the \$1.95 million implementation, which is commonwealth funded—a \$960 000 advertising campaign and \$990 000 for signage and staff. I read out the government’s comment to recommendation 13.1 in its response in December last year, whereby the predecessor to the Minister for Emergency Services, Hon Reece Whitby, said —

Western Australia notes that successful implementation will require an extensive body of change management and communications work to be undertaken, which should not be compromised for the sake of implementing the system within a short timeframe. This could lead to significant risk if communities are not appropriately engaged and educated in relation to the new system.

The minister has told us today that, effectively, the campaign will start on 1 September, as will the new scheme. I just wonder what has transpired since December last year, when the government provided its response and this pretty

clear warning, to now, when we are almost at the eleventh hour legislating for a program that will start on 1 September and a campaign that will start on the same day?

**Hon STEPHEN DAWSON:** A great deal of work has happened in that time, both in Western Australia and indeed across the country. At various times over that period, there has been facilitated statewide training of fire managers and stakeholder workshops with attendees from multiple organisations. There has been regional local government consultation. The fire danger rating thresholds and categories were endorsed by the Australian Fire Danger Rating System board in December last year. Since that time, there has been work on information on changes to harvest vehicle movement bans and work happening and information shared on burn permits, and that has been provided at state and regional district bushfire advisory committee level. There has been local government engagement over that time. There have been meetings with WA scientists and decision-makers earlier this year, and agricultural sector, industry and other stakeholder consultation. We have been working closely with local government and, as a recent example, this collaboration has seen the provision of information about the new AFDRS along with firebreak notices and rates notices to members of the public. That has started to come out; that has started to happen. Since that time, obviously, there has also been approval given by cabinet to bring legislation forward. That legislation has been drafted and it came into the other place a few weeks ago. It takes time to legislate.

In respect of what is ahead of us, as I indicated earlier on, there will be a national advertising campaign. Although the work will essentially start from 1 September, as I pointed out, at this stage the paid advertising will take place from 4 September up until 4 February 2023. The campaign will start on 1 September; noting that our fire season will still be—touch wood—a couple of months away, or, indeed, more than that, depending on where people are in the state, there will be a lead-in time, but those ads will be running. We will be targeting Western Australians in rural and farming areas both north and south. There will be specific targeting in those high bushfire-prone areas. The audience for some of the ads that we will run will be domestic travellers, so people such as caravanners and outback travellers, family and school holiday—trippers and wine region explorers, because obviously our viticulture industry in the south west of the state brings some other challenges. The peri-urban fringe is also one of the target audiences. We will have a media mix of television, video on demand and online video. There will be radio, print in *The West Australian*, digital social ads across bushfire-prone areas, as I said, and search engine marketing, so a fairly comprehensive program will run from 1 September.

**Hon MARTIN ALDRIDGE:** I think it is a little unusual. The government is making the biggest change in 60 years to the fire danger rating system. One would think a more orderly way of doing this would be to run a community engagement advertising initiative in the lead-up to the change, not on the day or a few days after the change. I just think that is a little unusual. I take the minister's point that the southern high threat period will probably be a month or two beyond that 1 September date, so there will be a transition period—more so for the southern half of the state—but I think it is a little unusual, particularly given the very strong warning in the government's response about rushing this and not getting the community engagement right.

Recommendation 13.2 in the government's response referred to a "crucial two-year, State wide community education campaign to support the community to understand and apply the required behavioral changes." The minister mentioned that the paid advertising would run through I think from 4 September to February 2023. Has the government's position changed on the two-year campaign, or is this just perhaps stage 1 of a two-year campaign?

**Hon STEPHEN DAWSON:** No, we will not stop talking about the new changes on 3 February. This is an ongoing change, so we will continue to educate the community for the year and years ahead. This will be an intense level of the national advertising campaign. What we do in the future will not be at the same intensity, but certainly we will continue to advertise, have it on Emergency WA and our website and publicise it. That will still be a priority, but this intense campaign will happen during that window.

**Hon MARTIN ALDRIDGE:** Would it be safe to assume that the \$960 000 advertising campaign will run in that period from 4 September to February 2023?

**Hon STEPHEN DAWSON:** No, that full amount will not be spent in that window. There will be money spent after that.

**Hon MARTIN ALDRIDGE:** As I said in my second reading contribution, I think that we are starting from a fairly low base. I think we need to build awareness about the fire danger rating system. To be honest, I am not sure how many members of the community will be alive to the change. I think that building recognition of the fire danger rating system is well overdue, notwithstanding that that system is changing in a matter of days.

It is a shame we do not have another 20 minutes, because we could probably have had this done today.

I mentioned a couple of examples in my second reading contribution about Western Power and the Department of Education. I am not going to criticise if the minister cannot provide me specific advice, but he said that Western Power had been involved in this from the beginning. I just wonder whether the minister is in a position to perhaps advise us what effect the fire danger rating change will have on the two case studies that I presented, which was school

**Extract from *Hansard***

[COUNCIL — Wednesday, 17 August 2022]

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Hon Martin Aldridge; Hon Dr Steve Thomas; Hon Stephen Dawson

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closures by the Department of Education and effectively the fire danger rating restrictions that Western Power applies during the summer?

**Hon STEPHEN DAWSON:** Although I do have some stuff on the school closures here, I do not have the answer to the member's question. Noting that we have only a minute left today, if the member wants to ask those questions again, I will make sure that we have an answer for the member for the next sitting day.

**Progress reported and leave granted to sit again, on motion by Hon Stephen Dawson (Minister for Emergency Services).**