

# **COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE**

## **INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
WEDNESDAY, 30 AUGUST 2006**

### **SESSION ONE**

#### **Members**

**Mr A.P. O’Gorman (Chairman)**  
**Mr M.J. Cowper (Deputy Chairman)**  
**Mr S.R. Hill**  
**Ms K. Hodson-Thomas**  
**Mrs J. Hughes**

**Hearing commenced at 9.45 am**

**BENTLEY, MRS FIONA ELIZABETH**

**Director, Community Development, City of Wanneroo, examined:**

**BARRY, MR MICHAEL JOHN**

**Manager, Ranger and Safety Services, City of Wanneroo, examined:**

**The CHAIRMAN:** Thank you both for coming in today. We are missing Katie Hodson-Thomas and Murray Cowper, both of whom send their apologies. I apologise for dumping you a couple of weeks back, but a couple of other things happened. Yours is the second to last hearing of this inquiry. The committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not required to give evidence on oath any deliberate misleading of the committee may be regarded as contempt of Parliament. Have you completed the "Details of Witness" form?

**The Witnesses:** Yes.

**The CHAIRMAN:** Do you understand the notes attached to it?

**The Witnesses:** Yes.

**The CHAIRMAN:** Did you receive and read an information for witnesses briefing sheet, regarding giving evidence before parliamentary committees?

**The Witnesses:** Yes.

**The CHAIRMAN:** We have received your submission. Do you wish to add anything to or amend your submission?

**Mrs Bentley:** We do not wish to amend it in any way, but we would seek to clarify if you have any questions.

**The CHAIRMAN:** Is it your wish that the submission be incorporated as part of the transcript of evidence?

**Mrs Bentley:** Yes, please.

**The CHAIRMAN:** Before we ask any questions, do you wish to make any opening statement or comment?

**Mrs Bentley:** If I might just briefly, when the review was conducted and we made our submission, it was of course prior to the changes that were made to the emergency legislation.

**The CHAIRMAN:** That is the Emergency Management Act?

**Mrs Bentley:** That is right. We think that taken together there are some opportunities for improvement across the board. Local government has inherited some greater responsibilities for emergency management under the new legislation. We are currently trying to finalise our emergency response plan. We have a large role to play in recovery. Although we have a really good existing relationship with FESA and the way in which we operate during fire emergencies, we think there are probably some improvements that can be made to the overall management of fire emergency systems, including volunteer management. That is the main thrust of our submission today.

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**Mr S.R. HILL:** The two members on either side of me will have a detailed overview of your local authority area. Could you give me a brief overview of your local government area, its emergency services and what types of brigades and units you have operating in the area?

**Mrs Bentley:** If I may give a general overview of how the city is placed, Mike can fill you in on the detail. The city comprises nearly 700 square kilometres, which has large urban areas as well as large rural and semi-rural areas. We have a significant growth frontier with new population fronts moving out and pushing into the semi-rural and rural areas. With that come concerns and issues because existing professional fire services have not yet reached those areas or are being stretched into the areas that have traditionally been serviced by volunteer brigades. We are managing that growth frontier. The city is growing at over eight per cent per annum, so it is a significant and fast area of growth.

**Mr S.R. HILL:** Is the city not keeping up with professional firefighting stations but still relying on volunteers?

**Mrs Bentley:** As I have said, we have a good relationship with FESA, but it does not take away from the fact that structural firefighting should not be within the capacity of everyday activities of volunteer firefighters. In addition to that, in my ranger services team we have 22 full-time rangers. They provide at the moment a first responder for the city for fire response. Our volunteers are not really our first responders; our rangers are. They are the ones taking out the fire appliances and being first on the scene when there is a fire. That places a significant load on the team, which has a whole range of other tasks to undertake. Our statutory duties include firebreak compliance and responsibility for parking, the off-road vehicle act and a whole load of other things, but they are currently our first responders.

**The CHAIRMAN:** Are they your first responders for bushfires or fires in built-up areas?

**Mrs Bentley:** Bushfires.

**The CHAIRMAN:** Are the built-up areas covered by career firefighters?

**Mrs Bentley:** There is a fine line. Because of the growth frontier, the new housing developments are often in semi-rural areas.

**Mrs J. HUGHES:** How long is the response time for a structural fire in Butler or one of the outlying areas?

**Mr Barry:** It is difficult to know. The response time from Joondalup Fire Station would probably be 20 minutes.

**Mrs Bentley:** There is a new temporary fire station at the Nowergup rail depot, which is now reasonably well equipped and providing a response.

**Mrs J. HUGHES:** Is the Nowergup station providing professional firefighters?

**The CHAIRMAN:** I think the word is “career”, because volunteer firefighters are professional as well.

**Mrs J. HUGHES:** I apologise.

**Mrs Bentley:** Hopefully, we are in the final stages of getting approval for constructing a new volunteer fire station in Quinns Rock, which will serve the rural north east from that point.

**Mr Barry:** The city currently maintains three brigades. They are the City of Wanneroo brigade, the Quinns Rock brigade and the support brigade to both those other brigades. The city has just approved the establishment of another volunteer brigade in Two Rocks. There is some debate about that at the moment with FESA, so we are still working with FESA in regard to that.

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**The CHAIRMAN:** You mention that you have just authorised a fourth brigade at Two Rocks. Do you think responsibility for it should lie with FESA, because it is now the major funding body, or should it lie with the council?

**Mr Barry:** A FESA volunteer brigade already exists there, but the fourth brigade is more to do with the establishment of the Seatrees Estate, which is a bit further removed from Two Rocks.

**The CHAIRMAN:** What is Seatrees?

**Mr Barry:** It is a new development of probably 150 homes in a semi-rural setting in that area. The area is quite vulnerable to bushfires.

**Mrs Bentley:** Based on our entire submission we believe we have reached a point where it is probably logical for the transfer of all volunteer fire brigades to FESA for a range of issues, not least of which are consistency in standards of training, straight-line management that comes with the provision and acquittal of funding without involving a third party and the provision of career paths for those people moving into the formal FESA chain of command.

**The CHAIRMAN:** Is that the same for the SES and marine rescue?

**Mrs Bentley:** I would not have any hesitation in recommending that, although our expertise is not in that area.

**Mrs J. HUGHES:** If FESA took over all the brigades and your council saw that Seatrees, for example, was in need of another brigade but FESA did not, how would you get around something like that? Would you still like involvement?

**Mr Barry:** I think FESA at the moment is doing a risk analysis of that area to decide whether or not a brigade is warranted, but I guess it would be FESA's responsibility to ensure that there is some protection in that area.

**Mrs J. HUGHES:** Especially with developments in outlying areas, such as those in Wanneroo, Mundaring and other places where development is fast moving, I wonder whether FESA would keep a grip on whether brigades should be put in place. Is it your view that you would trust FESA to establish whether that front was in need of another brigade?

**Mr Barry:** I guess the risk analysis would provide that information for FESA.

**Mrs Bentley:** Maybe I can offer a broader point of view. Through local emergency management we have established a good relationship. I see that as part of the role of risk management of future growth. My key point however is that FESA already controls that. Although the city can make the deliberation that it wishes to establish a new volunteer brigade, if FESA chooses not to equip it, it really has no basis. That is the position we find ourselves in at the moment. If FESA decides not to provide vehicles, which is the current issue we have, it will not happen anyway. This is where it seems illogical for the City of Wanneroo to sit as the meat in the sandwich without any capacity to determine the funding or equipping of these brigades. The city is only a channel and really a third wheel in the arrangement.

**Mrs J. HUGHES:** If something were to happen - God forbid - at Seatrees when there was no assistance, who would be responsible at this stage? Would it be the council or FESA?

**Mr Barry:** The city would be responsible for fighting the fire, probably in conjunction with the FRS volunteers who are already there.

**Mrs Bentley:** Probably from the Quinns Rock brigade, so they would be travelling a great distance.

**The CHAIRMAN:** That would be a lot more than the 20 minutes' response time. It would be 30 or 40 minutes at least.

**Mrs Bentley:** It would probably be 35 minutes from the call, because we would need to bring the equipment and volunteers would need to muster.

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**The CHAIRMAN:** I am just getting your views on this. We have asked most of the witnesses these questions. The coroner and the Auditor General have expressed concern at the current fire control arrangements in Western Australia. Both have criticised the fact that local government, CALM and FESA could all be in control of a fire at the same time, particularly when the fire is crossing different land tenures. I take it from what you have put in your submission and what you are saying this morning that you are agreeing that FESA should be empowered to take control of a fire from local government - I will not ask about CALM - when FESA considers this to be necessary. Some local governments are opposing that. Do you have a view on the control of the fire in that situation? I think the City of Joondalup had a few fires not long ago. Were there any issues with who had control?

**Mr Barry:** As Fiona mentioned, we have a great working relationship with FESA and CALM. That has never been an issue for us. We work very well together. If the City of Wanneroo is there first it takes control of the incident. If FESA and our chief fire control officer believe that it is too big for our chief fire control officer to handle, he will pass it over. We work very well in that regard. We do not have a problem.

**Mrs Bentley:** We also have an MOU with FESA locally. Regardless of funding relationships and straight-line management, I think there would still be opportunities for an MOU between the city and FESA locally to ensure cooperation in the provision of heavy equipment, in the same way that we expect that support from CALM. The boundaries do not really have any material effect on the way in which we choose to fight fires. It is a cooperative endeavour at this stage.

**Mr S.R. HILL:** I think you touched on this briefly in your opening statement. The Bush Fires Act currently empowers local government to order private landowners to install firebreaks. However, this provision does not apply to state government-owned land. Should the act bind the Crown, so that the state government is bound by the same provisions as private landowners; if so, why, and if not, why not?

[10.00 am]

**Mrs Bentley:** I would say absolutely. One of our greatest concerns is the role model that is provided by crown land to our surrounding landowners. I will give you some examples. In the nearly five years that I have been with the City of Wanneroo I started at a point just after some serious fires in the Carramar-Neerabup area. In the year following that I do not think we issued more than one or two firebreak infringement notices. There was a high level of community awareness and the council adopted a zero-tolerance approach. We had strict compliance. In the years since then the number of firebreak infringements has increased from almost zero to 100, and this year we have issued more than 400. There is a high level of complacency. Recently, new people who have moved into the area have not been required to be compliant. Some tracts of land are owned by Main Roads, DET and other state agencies. Some of those agencies do the right thing and some do not. We are provided either with a no response when we write and ask for compliance or we are provided with a response that does not explain the circumstances.

**Mr S.R. HILL:** The community would be asking why it should comply if DPI, CALM or Main Roads does not.

**Mrs Bentley:** In most cases the community does not know who owns the land. They know only that there is a fire risk and they express their concerns or point to it as an excuse as to why they should not have to comply with the requirements. That is a real concern.

**Mr Barry:** An area of road reserve is under control of Main Roads, at Lacey Road. The land abutting that reserve was privately owned and the people there were very particular about keeping their firebreaks maintained. The area outside of that was quite prone to bushfire and was under the control of Main Roads. It took us two years to get Main Roads to do something and we had to go to the minister to get that undertaken.

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**The CHAIRMAN:** There is a fair amount of CALM land in Wanneroo. What is the city's relationship with CALM? Is it necessary for CALM to put firebreaks around Yanchep National Park, or is a fire management plan a better option?

**Mr Barry:** CALM has excellent plans in place, and we work very well with it. We are very supportive of each other.

**The CHAIRMAN:** Would CALM not respond to the incident at Two Rocks?

**Mrs Bentley:** It often lends its support when we require heavy equipment. Its primary focus is on its own patch. When a fire that is not contained threatens the national park, CALM has been very supportive. The City of Wanneroo does aerial firebreak inspections as well as on-the-ground inspections. While our rangers are in the air in the helicopter, they are able to identify areas of concern such as increased fire loads where firebreaks are missing in not only our territory, but also in CALM territory. Often we have shared the services of the helicopter to do multiple-agency inspections.

**Mrs J. HUGHES:** Under the current ESL arrangements, a local government must complete the ESL submission on behalf of all SES units in the local government's area. Is it necessary for local government to continue to perform this role, given that FESA ultimately decides how much of the ESL funding is given to the SES units?

**Mrs Bentley:** It is much more sensible for each of the units to deal directly with the funding body. We are not allowed to incorporate the corporate administration overheads. It seems logical that in seeking the grant and then acquitting it, there should be some direct responsibility with the funding body.

**Mrs J. HUGHES:** If the funding were to go directly to the units and FESA, should Wanneroo be kept abreast of the equipment it was receiving because of the City of Wanneroo's emergency responses, or would the city be happy for the FESA and SES units to break away from the city altogether?

**Mrs Bentley:** I do not see a problem with that because the SES, volunteers, police and the city are all involved through the local emergency management process. That seems to be a much better coordination point than through the grant funding, which is an almost artificial point of control.

**The CHAIRMAN:** The City of Wanneroo would have dealings with people across all the different areas of the ESL, up to the maximum number. What has been the impact of the ESL on the City of Wanneroo?

**Mrs Bentley:** The city has been fairly vocal in the past about the introduction of the ESL.

**The CHAIRMAN:** I should not have asked!

**Mrs Bentley:** One of my former colleagues made some strongly impassioned submissions to the FESA board. One of the city's concerns has been the progressive introduction of the category 1 levies into residential areas ahead of the provision of professional fire fighting services, or the career fire fighting service. That has not been as much of an issue in the growing industrial areas. The pace of change and the introduction of levies and services have been run fairly consecutively. However, the residential areas create the greatest concern. Even with the introduction of the temporary fire station at Nowergup, we have been concerned with the forward planning for new services. From the city's point of view, it is a matter of understanding the city's rate of growth and trying to educate other agencies that work with us to plan for that rate of growth. For example, we are aware that the north metropolitan district fire area has neither purchased nor identified any land for its next fire station in the Jindalee, Alkimos and Eglinton areas. It does not have a piece of land on to which to build a permanent fire station.

**Mr S.R. HILL:** Would that not come into play with the Western Australian Planning Commission regarding structure planning?

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**Mrs Bentley:** That does not provide a statutory requirement for the provision of a fire station or police station or anything other than primary school sites and public open space.

**Mr S.R. HILL:** And shopping centres.

**Mrs Bentley:** I guess. Everything else is discretionary and is subject to negotiation and is dependent on the forward planning and budget estimates of state Treasury. I am being told by not only FESA but also other state agencies such as the Department for Community Development - DET is taken care of, but there are a number of others - that the horizon for funding is 2010-11. If there is nothing on their budget estimates prior to that, they are not able to set aside funding for land. They must negotiate with the developers to acquire that land. That is fairly critical in FESA's case because it has a fairly short range of opportunities. It does not want to overextend the travel distance and the response times. The linking of Marmion Avenue through to Yanchep will create a dilemma whereby if a fire station is created in Yanchep, the fire station in the middle cannot be too close to either end; it must be in a fairly strategic location. Only three weeks ago FESA told me that it has not yet acquired and it is struggling to identify an appropriate piece of land.

**The CHAIRMAN:** The most northerly fire station is on Joondalup Drive.

**Mrs Bentley:** It is, apart from the temporary fire station at the Nowergup rail depot.

**Mrs J. HUGHES:** What is meant by "temporary"?

**Mrs Bentley:** Living quarters, ablution facilities and garaging facilities have been created on that site to enable FESA to provide a near full service.

**The CHAIRMAN:** Is that at the train terminal?

**Mrs Bentley:** That is right. I am told that the lifespan of that station will be a minimum of three years.

**The CHAIRMAN:** Minimum?

**Mrs Bentley:** Yes.

**The CHAIRMAN:** You should have been on our trip this morning. The Treasurer was with the committee this morning and we were pointing out these types of issues.

**Mr S.R. HILL:** An issue that has caused a great deal of concern in the City of Geraldton, which is in my electorate, is that under the current system, FESA pays for the installation, removal and maintenance of fire hydrants in gazetted fire districts and local government pays for the cost of reinstating the pavement. However, outside of the gazetted fire districts, local government pays for the lot. The committee notes that in other states the water bodies are responsible for the installation and maintenance of fire hydrants. Does the City of Wanneroo have a view on this matter that could support the City of Geraldton in its concerns?

**Mrs Bentley:** It is not something that the council has formally considered. However, I would personally support that. Large tracts of land are not covered under the scheme. All the water is collected water. For a number of years the council has considered whether it would install blue cat's eyes to identify a water source. However, that must be done at the city's expense and at this stage it has not been covered through any budget allocations or grants.

**Mr S.R. HILL:** The City of Wanneroo might be a little different from Geraldton because of the growth that is occurring. The City of Geraldton has an older CBD that is being redeveloped. The developers are now required to spend up to \$500 000 to put in fire equipment, such as tanks, because of the inadequate water pressure. Does the City of Wanneroo not have that problem?

**Mrs Bentley:** Not at this stage. Scheme water is available where the development is occurring. I understand that the water pressure is sufficient for fire hydrants. We have the greatest problems in the rural and semi-rural areas.

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**Mrs J. HUGHES:** Boosters and tanks are needed in some of the older areas where the pressure is not adequate.

**Mrs Bentley:** The city has had to provide boosters to meet the current fire requirements.

**Mrs J. HUGHES:** The City of Wanneroo has a very good relationship with FESA. What would be the reaction of the volunteers if all the units came under the control of FESA?

**Mrs Bentley:** It would be a mixed reaction. They have enjoyed a good relationship with the city. Mike and I have had some conversations about that. Currently the Wanneroo brigade operates from the city's works depot. That would not necessarily change in the short term. There would need to be an ongoing relationship between the city and FESA. The direct management and the funding would change but a relationship would continue. I mentioned earlier that I would seek an opportunity for a memorandum of understanding to be signed to get the appropriate levels of support during a crisis. That might assist the way in which the brigades operate. There is still an opportunity for a good working relationship between the council and FESA. With that in mind, I believe that the brigades would be supportive of it. They would see the benefits of the consistent training opportunities and of the career development opportunities.

**Mrs J. HUGHES:** Does the City of Wanneroo continue top-up funding to the fire fighting capabilities or emergency services?

**Mrs Bentley:** It does indirectly by meeting some insurance costs that are not covered through the grant funding and also through the provision of some incidental items throughout the year.

**Mr Barry:** The city also funds a number of operating areas.

**The CHAIRMAN:** The amount of funding provided by the City of Wanneroo would have dropped drastically since the introduction of the ESL.

**Mr Barry:** It has, but the city continues to make a strong contribution.

**Mrs Bentley:** The city used to make a donation to the brigades but it no longer does that since the introduction of the ESL. The city works on a cooperative basis. The brigades regularly fundraise for equipment that is not covered through ESL funding. The city can assist by providing the brigades with opportunities to raise funds at city events. The brigades recently purchased a marquee that the brigades are willing to make available to community groups for other activities. The city will pay the cost of erecting the marquee and making it available to other community groups as a part of the city's larger approach to community development.

**Mrs J. HUGHES:** You mentioned that some equipment is not being funded by the ESL.

**The CHAIRMAN:** The marquee is not a direct fire fighting cost.

**Mrs J. HUGHES:** Is funding for personal equipment and truck equipment totally covered?

**Mr Barry:** Basic things such as the PPE are provided for adequately but the brigades might want funding for a piece of equipment they believe will improve their performance and they will contribute funds towards purchasing that equipment.

**Mrs J. HUGHES:** Is there a lack of volunteers in Wanneroo? Are new volunteers coming through?

**Mrs Bentley:** Our brigade is fully subscribed. The Quinns Rocks brigade has vacancies. Until it gets a new fire station, it is constrained. We do not have the capacity to build that brigade to its optimum level. The recruitment of volunteers will continue to be an issue in the future, as it is in other areas of community life.

**Mrs J. HUGHES:** The city must maintain 700 square kilometres, which is a huge area for volunteers to be responsible for. Does CALM take over the management of the pine plantation?

**Mr Barry:** Yes.

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**Mrs J. HUGHES:** Do volunteers assist CALM if a fire breaks out in either the pine plantation or The Lakes?

**Mr Barry:** Yes. Over the next five years the Wanneroo brigade might be reduced because of urbanisation, which would place a great emphasis on the Quinns Rocks brigade. Many of the volunteers who currently work in the Wanneroo brigade would transfer to the Quinns Rocks brigade. The Quinns Rocks brigade also has a cadetship for young people, which is encouraging. A lot of positive things are happening.

[10.15 am]

**The CHAIRMAN:** Are there any further matters that you wish to raise with the committee?

**The Witnesses:** No.

**The CHAIRMAN:** Thank you again for coming in this morning. You have given a slightly different view from what we have had from other places; nevertheless it was excellent. A transcript of the hearing will be forwarded to you for your correction of typographical errors or errors of transcription or fact. New material cannot be introduced and the sense of the evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, you should submit a supplementary submission for the committee's consideration. If the transcript is not returned to us within 10 days, it will be deemed to be correct. Can I just be awkward and put a bit of pressure to get it back quicker because we are trying to finalise the report and get it into Parliament so that people can start acting on it.

**Mrs Bentley:** We would be happy to do that.

**The CHAIRMAN:** That is great if you could, but you do have 10 days. Thank you very much again for coming in.

**The Witnesses:** Thank you.

**Hearing concluded at 10.16 am**

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