

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION

**TRANSCRIPT OF EVIDENCE TAKEN
AT ESPERANCE
THURSDAY, 8 JUNE 2006**

SESSION THREE

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 2.51 pm**McINTYRE, MR STUART IAN****Area Manager, Fire and Emergency Services Authority, examined:**

The CHAIRMAN: Welcome. This 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 a contempt of Parliament. Have you complete the "Details of Witness" form?

Mr McIntyre: Yes.

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

Mr McIntyre: Yes.

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

Mr McIntyre: Yes, I did.

The CHAIRMAN: You have not given us a submission. Do you have any opening comments that you would like to make?

Mr McIntyre: No.

The CHAIRMAN: Would you mind giving us a brief overview of the emergency services in this area, what are the high-risk emergencies - I will not give you examples because you know them - and what type of brigade units you have operating within the area?

Mr McIntyre: The position that I am in is a little unique in Western Australia. As far as I know, I am the only manager who manages all three of those agencies - the State Emergency Service, the Fire and Rescue Service and the bush fire service. My shires are the Shire of Ravensthorpe and the Shire of Esperance. In Ravensthorpe, we have 10 bush fire brigades, one State Emergency Service and one Fire and Rescue Service. That shire covers 12 500 square kilometres. In Esperance, we have 17 bush fire brigades, one Fire and Rescue Service and the State Emergency Service. This shire covers 42 500 square kilometres, so they are big shires in regional terms.

Mrs J. HUGHES: That is a lot of work for one man.

Ms K. HODSON-THOMAS: We have heard that today. There is a viewpoint that there needs to be more human resources on the ground.

Mr McIntyre: When you put it on a piece of paper and say that I have two shires with those units, compared to other managers, it is not a big issue and it is reasonably well balanced, but because of the size of the shires and some of the complexities within those two shires, it is a reasonable workload. We all want more staff.

Mrs J. HUGHES: Given the fact that there is only one of you in the great southern, do you believe that FESA has the capabilities of providing the service that it is stepping up to the mark to provide?

Mr McIntyre: That is an interesting question and very conscientious one. The vast majority of the operational work is done by volunteers. Under any changes to legislation, I would hope that that would not change because FESA physically does not have those resources, particularly out of the metropolitan area. I would have concerns, given that we are under-resourced, to take on the function that is being considered at the moment. Does that make sense?

Mrs J. HUGHES: Yes. Thank you.

The CHAIRMAN: Both the coroner and the Auditor General expressed concern about the current fire control arrangements in Western Australia. They both criticised the fact that local government, CALM and FESA could all be in control of a fire at the same time, which is up to 146 different agencies, particularly when the fire is crossing different land tenures. It has been suggested that FESA be empowered to take control of the fire from local government or CALM where FESA considers this to be necessary. It is anticipated that that power would only ever need to be used two or three times a year. CALM has suggested that control be available to FESA in relation to local government but not CALM. Do you have a view on this issue? You must have a fair amount of local government.

Mr McIntyre: Shall I just talk about my shires or do you want a broader view?

The CHAIRMAN: You talk from your perspective because we do talk to everyone else across the state.

Mr McIntyre: FESA, local government and CALM have a particularly good relationship in the Esperance and Ravensthorpe shires. That is born out of necessity because, as I said earlier, we do not have the resources a lot of the time. What we have at the moment works very well. Any change to one fire service would have to be very carefully managed. Anything that did not include flexibility in the management structure would be very dangerous or risky because there are certain issues that CALM manage better than we can. We have four significant national parks in the Esperance Shire and the Fitzgerald River National Park in the Ravensthorpe Shire. They need to have a very big input in the management of suppression and active firefighting in those areas. To exclude CALM from the management structure would be very dangerous, likewise with local government. While we maintain a good relationship with local government and volunteers now, we would need to move very carefully if we were looking at taking greater control in these shires.

Mrs J. HUGHES: We spoke with the shires which have 250-odd farmers as part of their firefighting capacity. Do you have a view as to how they would feel if FESA became their controlling body?

Mr McIntyre: No doubt you are aware of the offer that has been made to local governments for the handover of type 2 and 3 incidents. The Esperance Shire has chosen not to sign it and the Ravensthorpe Shire has. FESA now has the capacity to take control of these incidents. A lot of it probably comes back to personality. FESA staff from the great southern may be able to slip into a management team very comfortably because that familiarity is there and is born over many years of working together. We would need to be very careful in bringing in external management teams and saying, "Here we are, boys; let's take over." I see our role as to assist in the management structure, which is what we have done for many years in this region. Having said that, if it was managed carefully, we could possibly provide more input in the management side of the operation. Does that make sense?

[3.00 pm]

Mrs J. HUGHES: In relation to control of the brigades and so forth, it does. If a fire was out of control and if it was in a legislative area where FESA was able to take control of the situation, I suppose -

Mr McIntyre: Is that against the will of the local government?

Mrs J. HUGHES: It would be legislated to have that capacity. Would your volunteers be comfortable with FESA taking control?

Mr McIntyre: Some would and some would not.

Mrs J. HUGHES: You seem to have two types of brigades in Esperance and Ravensthorpe - urban and farmers. Is it uncomfortable having two types of brigades or would you prefer just one lot?

Mr McIntyre: Locally, FESA has much more of an involvement with the urban rural brigades. We have the Fire and Rescue Service in town, and around a centre such as Esperance there are three urban and rural brigades that are very active, structured and organised. We have a lot more involvement with them. I am sure they would be very comfortable with the handover of an incident that was realistically threatening a town, where the perceived asset is a lot greater than perhaps is the case in rural areas.

The CHAIRMAN: FESA suggests that it be empowered to request the development of fire management plans from landowners when the land is CALM-managed, plantation land or land used for pastoral or grazier purposes. The fire management plan would only be requested if FESA considered this to be necessary to mitigate the risk of fire to life and property, for instance, in areas of high risk where CALM land abuts private land or where a eucalypt plantation is located near a housing development. Can you comment on that?

Mr McIntyre: It is a hot topic here because of the huge amount of UCL that we have locally, in both the Shires of Esperance and Ravensthorpe. The Ravensthorpe Shire is 1.25 million hectares, and 800 000 of that is bush, or UCL. Of all the shires, the bushfire-prone areas through Esperance and Ravensthorpe would be affected most by that. CALM has gained considerably more funding than FESA ever had for the management of fire suppression on that UCL. It still needs a lot more to get it to the standard it needs to be, particularly in these shires, because we have that huge interface between private property and UCL.

The CHAIRMAN: Can you explain what UCL means?

Mr McIntyre: It is unallocated crown land. That poses a huge risk to the outer areas of the rural area. CALM locally produce fire management plans for both its own tenure and for UCL. It has appointed a fire management officer who is working on that. It is a big task. The suggestion of landowners coming up with their own fire management plan would be met with a fair bit of concern. Obviously, different landowners, depending on where they are, will be affected to a different degree.

The CHAIRMAN: Would staffing and expertise be a problem as well?

Mr McIntyre: For the fire management plans?

The CHAIRMAN: Yes.

Mr McIntyre: I think most farmers now would employ a consultant to do it because a lot of them see bureaucracy as very difficult to deal with. The way the bigger management subdivisions are managed now, the fire management plan is almost always created by a consultant.

The CHAIRMAN: Currently the Bush Fires Act 1954 empowers local government to order private landowners to install firebreaks. The 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?

Mr McIntyre: Yes, it should. However, I imagine funding such an operation would be huge in the Esperance and Ravensthorpe Shires. It would cost millions of dollars to get that to a point where it was even manageable. Basically, the fire mitigation work that is done at the moment is on a very low budget per hectare and consists of chaining strips along the interface and then a burning rotation between the chain strip and the standing bush. To get that across the whole shire on all tenures would be a massive task; it is not just a straight line across the top of the shire as there are literally hundreds of small reserves interfaced with that. I believe that the Crown needs to be held accountable for the reserves. We also have the situation where some brigades are not equipped with a government-provided appliance, an ESL-provided appliance, but they have a huge expanse of UCL to protect or fires coming out of UCL onto private property. I really believe there is a special case for shires such as Esperance and Ravensthorpe to get funding outside of the ESL for those situations because it is just not fair on the landowners.

Mrs J. HUGHES: So the landowners are currently privately resourced as far as appliances are concerned?

Mr McIntyre: The vast majority of the outlying brigades are farmer response. They have an appliance or two appliances that were provided under the old bushfires grants schemes and local government money but the vast majority of the work is done by private landowners. Three years ago we had several very big fires running in UCL for three or four weeks at a time. These guys are providing the firefighting effort with their own equipment in their own time. That is not reasonable.

Mrs J. HUGHES: We have discussed some of the issues with private appliances in other shires. The farmers were extremely concerned about liability issues. Have you found that this is also an issue in your region?

Mr McIntyre: From time to time it comes up but to my knowledge there have been no liability concerns or issues across the state during bushfire fighting.

Mrs J. HUGHES: There is a push for FESA to become a department or more of a structured agency. Are you finding that that concern is increasing?

Mr McIntyre: The biggest things that have people concerned lately are the two coronials in recent years. Whatever recommendations may come out concerning the no-blame policy to volunteers, there is still an element of concern for volunteers as to how liable they are. In my operational time I have not seen an operation hindered or reduced in its capacity by that concern.

Mrs J. HUGHES: They just get on with the job.

Mr McIntyre: Yes.

The CHAIRMAN: Has the emergency services levy had much impact down here?

Mr McIntyre: It has - certainly operationally. We are providing local governments with what I see as an adequate amount of money to fund their operational side of things. The new equipment grants that we talked about with UCL is a special case that I would suggest a lot of other shires do not have. We need to address that because these brigades have that exposure, and, traditionally, no equipment has been made available to them. We need to look at that in isolation as a special case.

The CHAIRMAN: I assume that all of your volunteers would have personal protective equipment issued to them.

Mr McIntyre: It depends who you classify as volunteers. Registered brigade members certainly have that. FESA made a big effort to provide that equipment. Training is always available. We work with volunteers. We cannot force them to undertake training. We encourage local governments to maintain a basic level of training for firefighters. Under the act, people can offer their services voluntarily during a fire and we do not have a lot of control over them in terms of personal protection equipment.

[3.10 pm]

The CHAIRMAN: You mentioned that you considered that the funding is adequate to supply this area. There are exceptions to that. In regards to the replacement of appliances, is the Esperance area keeping up with the 16-year plan?

Mr McIntyre: I think it is. Some local governments and brigades will not agree with that. A lot of people are expecting the ESL to be a cure-all overnight. In some local governments, very little is being done in terms of providing appliances for a long time. It does not have the capacity to make everyone happy immediately, but overall within the Esperance Shire, I am positive we are better off than we were before ESL.

Mrs J. HUGHES: You mentioned training earlier. Considering that Esperance is growing into a rather large port, there is a need for people to be trained accordingly. Can you give us an insight into the training that either is or is not available?

Mr McIntyre: Is that for response to an incident at the port?

Mrs J. HUGHES: Yes.

Mr McIntyre: Firstly, we need to clarify who is responsible for incident management at the port, or emergency response. Ultimately, it lies with the port. The Fire and Rescue Service and FESA have a support role to play there. We will do what we can when we can. It is certainly not our role to provide all of the port's response. At the moment we are working towards coming up with an MOU with the port that clearly outlines who is responsible for what. The two issues I have the most concern with are vertical rescue from the port site and confined space. FESA has made it clear to the port that we will not be providing confined-space rescue in Esperance through the volunteers because of the onerous training requirements. We are addressing the vertical rescue through the State Emergency Service. We provided some training earlier this year and we have another course later in the year. In terms of confined space, FESA is not entering into that locally.

Mrs J. HUGHES: I know it is not FESA's responsibility for the port, but should a local worker need the assistance of emergency services, is someone available to do it?

Mr McIntyre: If a confined-space rescue issue happened at the port this afternoon, FESA would provide a regional response, which would come from Kalgoorlie or Albany.

Mrs J. HUGHES: How long would that take?

Mr McIntyre: Two to four hours. We need to be aware that in the vast majority of cases, confined space means body recovery.

Mrs J. HUGHES: There are eight million tons of ore going out through that port at the current time and there is no emergency management in place.

Mr McIntyre: There are 130 million tonnes going out of Dampier and Port Hedland. That is something we need to keep in perspective. While locally we regard Esperance as a big port, on a state basis it is not.

The CHAIRMAN: Picking up on that, the issue is that many of our smaller ports are now starting to put out much larger tonnages than they used to. It appears just in the last few months from the information that we are picking up that these ports and port authorities do not have emergency response plans in place and they are possibly relying on volunteers through FESA. That is probably not appropriate. We have to look at how we make these ports aware. It is a new issue; it has just emerged in the last couple of years with these smaller ports.

Mr McIntyre: They are improving and they have had a good look at a whole range of issues. There is certainly work to do; there is no doubt about that. From a FESA perspective locally, we do not see it as our responsibility - we have made the port aware of that - to address their confined-space rescue issues.

The CHAIRMAN: Who should be responsible? Should it be local government or the Department of Industry and Resources that oversees the fact that they develop their plans and have these things in place?

Mr McIntyre: I would imagine it would be the Department of Industry and Resources.

Mrs J. HUGHES: Volunteers have raised their concerns at the frustration they would feel if they were in a position to save somebody's life who was stuck or needed assistance but were not able to do so. I guess there is a huge amount of frustration in that.

Mr McIntyre: We need to be aware that we have an Australian standard that outlines the process and conditions under which a confined-space rescue can be carried out.

The CHAIRMAN: There is no sense in putting other people's lives at stake.

Mrs J. HUGHES: I understand. It is just a difficult position.

Mr McIntyre: We have had a lot of toing-and-froing over emotional issues such as that.

Mrs J. HUGHES: There are guilt aspects of not being able to be of assistance.

The CHAIRMAN: Currently under the ESL arrangements, local government must complete the ESL submission on behalf of the SES units in local government areas. Is that necessary for local government to perform this role, given that FESA ultimately decides on how much of the ESL grant funding to allocate to the SES units?

Mr McIntyre: I think it depends on the SES unit and its administrative procedures. Some have very little involvement with local government and others have a lot. I have only been in my role with the SES for six or eight months. I am also learning how the SES operates.

The CHAIRMAN: So the SES obviously operates through local government?

Mr McIntyre: Yes. At the moment we are having a few administrative issues with the SES and are trying to streamline that process a bit.

The CHAIRMAN: Do you think it would be more appropriate for that unit or an SES unit to deal directly with FESA?

Mr McIntyre: It would depend on the situation. I think it probably would be. It would be one less agency involved in the process, but it does depend on the particular unit.

Mrs J. HUGHES: In Esperance in particular there are three groups coming under the one roof. As the overseeing officer, are you finding that that is actually effective?

Mr McIntyre: I think it will be. We have had some management issues in getting the process to come together. We would probably do it differently if we were to do it again. I am quite sure that they can very happily cohabitate in the new facility. I see no reason why that cannot work well.

Mrs J. HUGHES: There was talk about having two communication command areas due to the differences in their communications and the way that they structure their work and so forth. In my view, that would hamper the joint responses that are required. Do you have a view on that?

Mr McIntyre: By having separate communication rooms?

Mrs J. HUGHES: Yes.

Mr McIntyre: We need to keep it in perspective. The Fire and Rescue Service has less than 100 incidents per year. Ninety of those would be minor incidents, so we are dealing with 10 where a communications room maybe an issue - maybe even fewer; maybe five. The SES probably has around 30, of which half a dozen are major incidents. It is not a communications centre that runs the state or is involved in major issues. In the event of a significant fire, we would certainly be using this building or the CALM operations room. I do not see it as a major issue.

Mrs J. HUGHES: Do you believe that St John Ambulance should come under FESA?

Mr McIntyre: I do. St John Ambulance has been the poor cousin for a very long time, particularly when I had responsibility in the Jerramungup Shire for the new emergency service units. It was a ludicrous scenario. After a drill we would all sit down and have a cuppa or a beer or whatever and talk about funding opportunities. We had people in one uniform who had all their appliances, training, uniforms, trips away and accommodation paid for and then we had people from St John Ambulance who had to fundraise to buy their own ambulances. It is absurd. To me they are fundamentally the most important of the emergency services.

[3.20 pm]

Mrs J. HUGHES: Are communications an issue with St John?

Mr McIntyre: Yes. In my experience, it has not been a major problem. Whether it should come under FESA, I do not have a specific opinion but it certainly needs to be funded and integrated into the rest of the region. I do not know what happens in Perth.

The CHAIRMAN: That is an issue as well. Regionally, it does its own training. Its members are all volunteers and they have to fundraise for the ambulances. In Perth, all the contributions go there, however it works out. They get funding differently and training is different and they are career people rather than volunteers.

Mr McIntyre: Putting it in perspective, the local St John Ambulance gets over 500 calls a year. For an organisation that is funding 500 calls a year out of its own budget or coffers, it is a big ask compared to other emergency services.

Ms K. HODSON-THOMAS: Other volunteers.

Mr McIntyre: That is a good way of putting it - other volunteers. Everybody commits so much as volunteers for training and active operations and the like, but to have to work so much harder to fund your operation is not fair.

The CHAIRMAN: Is there anything else you would like to add?

Mr McIntyre: No, I am pretty right.

The CHAIRMAN: Thank you for your contributions to the committee's inquiry. A transcript of the hearing will be forwarded to you for correction of typographical errors or errors of transcription or fact. New material cannot be introduced, in the sense that 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 within 10 days of receipt, we will deem it to be correct. Thank you again for coming in.

Hearing concluded at 3.21 pm
