

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 9 NOVEMBER 2005**

Members

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

Co-opted Member

Mr P.D. Omodei

Hearing commenced at 9.52 am

BOWDEN, MR IAN ROBERT

**Legal and Legislation Officer, Fire and Emergency Services Authority,
480 Hay Street,
Perth 6000, examined:**

MITCHELL, MR ROBERT JAMES

**Chief Executive Officer, Fire and Emergency Services Authority,
480 Hay Street,
Perth 6000, examined:**

HYNES, MR CRAIG ANTHONY

**Director, Country Operations, Fire and Emergency Services Authority,
480 Hay Street,
Perth 6000, examined:**

WILLIAMS, MR COLIN LLOYD

**Manager, Fire Safety Branch, Fire and Emergency Services Authority,
480 Hay Street,
Perth 6000, examined:**

The CHAIRMAN: Thank you for making yourself available to the committee this morning. 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 completed a "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 witness briefing sheet regarding evidence before parliamentary committees?

The Witnesses: Yes.

The CHAIRMAN: FESA has provided the committee with a submission. Would you like to add anything further to the submission?

Mr Mitchell: In summary, the submission addresses our major issues with the legislative review process. The review, of course, could have been 500 pages long; it is an abridged version of the long story. Hopefully if any issues require further explanation, we will be able to cover them this morning.

The CHAIRMAN: Do you wish to make any amendments to your submission?

Mr Mitchell: No.

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

Mr Mitchell: Yes, it can be.

The CHAIRMAN: Before we start, would you like to make any other statements?

Mr Mitchell: No.

Mr P.D. OMODEI: Obviously I have gone through FESA's submission. Are you aware of any stakeholders who oppose the proposition put forward by FESA? Is it common knowledge in the emergency services sector and the other components of emergency services - that is, CALM, local government etc? Has there been an obvious response?

Mr Mitchell: In general terms, everybody we have spoken to - there has been broad consultation - has agreed that the review must occur and that the acts should be amalgamated into one act. The overall submission has not totally been shared with all other agencies across government that are in effect with us.

Mr P.D. OMODEI: It would be fair to say, then, that local government and CALM are not aware of some of these proposals. Obviously, the Fire and Emergency Services Authority of Western Australia Act was developed in 1998. Why did we not proceed with the next step at that stage?

Mr Mitchell: In 1998 there was a window of opportunity to move to the amalgamation of emergency services in Western Australia. A major review was carried out. There was some concern within associations, unions, stakeholders and so on. We believed at that time that it was best to get the organisation up and running and to include in the legislation a clause that provided for a review and restructure of the legislation in five years. That is really the reason - it was an opportune time to progress the amalgamation. To extend it through a longer process would have caused more aggravation of the time than was actually necessary.

The CHAIRMAN: Part of your submission refers to the FESA Act being binding on the Crown. Will you expand on that and tell us what you mean?

Mr Mitchell: The 1998 FESA act binds the Crown for some of our issues but the Fire Brigades Act and the Bush Fires Act are not binding on the Crown. By that I mean that conditions imposed on the general community are not imposed upon the Crown. Firebreaks are not imposed by law on the Crown even though they are imposed on farmers and property holders. It is our belief - I am sure it is the belief of most of our constituents - that the same rules that apply to constituents should also apply to the Crown. Some farmers and pastoralists' land backs on to huge tracts of crown land and they are obliged to undertake a range of activities to prevent fire. However, the Crown is not obliged by law to do it. It does some things by its own motivation, but it is not obliged to do so. It is an issue of equity and demonstration to the community that the government should be bound by the same rules that apply to everybody else in the community.

Mr P.D. OMODEI: I agree with your comments that everybody should be bound by the same conditions in relation to containing a fire on a property or stopping it from spreading. Given the legislation that was passed last year in relation to the clearing of native vegetation, I think a person has the capacity to clear up to one metre outside his boundary if he is a private property holder whose land is adjacent to state forest. Do you think that the proposal will draw a lot of flak because it will mean that CALM and other government departments will need to, depending on the tenure of the land, build a firebreak, which would mean clearing a fair bit of native vegetation and running into issues involving conservationists and the like?

Mr Mitchell: Part of our package of proposals put before you attempts to cover that by saying that where it is impractical or too expensive to put in a firebreak as per the local government regulations, a fire management plan must be established. That plan could incorporate a range of issues, such as

strategic burning, without including firebreaks. A range of issues would need to be carried out to ensure that they have a sensible and managed fire plan on the land.

Mr P.D. OMODEI: Is that not a cop-out for the government?

Mr Mitchell: No, I do not think so. One of the reasons we have suggested that it be included is that it is the same as the pastoralist who runs a million-hectare property in the north. It would be impossible or silly to ask him or her to put a three-metre firebreak around a million-hectare property. However, it is sensible to ask the pastoralist to develop a fire management plan for the million hectares and to have that fire plan worked up with an agency and approved. I think it applies whether it be unimproved crown land or pastoral land. The same issue applies - that is all I am suggesting.

Mr P.D. OMODEI: In many cases, a firebreak close to the forest in big timber country does not act as a firebreak at all. Would we be better off with a management plan to make sure that buildings are secure and those sorts of things?

Mr Mitchell: That is what our submission attempts to do. It states that where it is not practical, does not achieve or is too expensive, we are better off having a fire management plan that is comprehensive for the whole property, which may or may not include a firebreak.

[10.00 am]

Mr S.R. HILL: When a development application is lodged with the WA Planning Commission, are comments sought from you, the Water Corporation and Western Power at the initial planning stage? Does FESA have that opportunity?

Mr Mitchell: Do you mean for subdivisions and so on?

Mr S.R. HILL: Yes.

Mr Mitchell: Yes, they are in the country. Perhaps I could get Craig to comment on that.

Mr Hynes: FESA and the Department for Planning and Infrastructure have guidelines for building in fire-prone areas. Those guidelines are recommended to local governments to adopt in the development of rural subdivisions in particular.

The CHAIRMAN: If I may go back to the previous question, will you explain to me what the fire management plan is from your point of view?

Mr Mitchell: Yes. I think Craig has brought along a sample that we can leave with the committee, which is like a template. It is a plan that includes mitigation against fire, and wildfire in particular. The plan will include a range of options, which could include firebreaks, a combination of preseason burning and in some instances there could be alternative water supplies. It is a range of issues that you can build into a plan for a property that will allow you to control wildfire into a smaller area if you are unfortunate enough to have one. We have fires. There is one burning this morning that I heard Craig talking to others about. It has affected 12 000 hectares already in the Karijini National Park. I do not know what the fire plan is for the Karijini National Park, but under this arrangement we would hope to see in years to come that fires are maintained as reasonably sized fires and not wildfires that run for days and days, as we have all experienced, particularly in the Kimberley and the Pilbara. We have a bad situation that needs to be addressed. Perhaps I could ask Craig to expand on the content of the fire plan.

Mr Hynes: We have in existence already a number of fire management plan examples. For instance, the guidelines for plantations require basic information to be put together in a fire management plan. It is recommended that those guidelines be dealt with. They are not overly burdensome on the owner. It is basically the details, contact names and those types of things, such as a description of the area, the risk of ignition, what is at risk and those types of things, and any mitigation strategies that they would put in place that would obviate the need for major responses

all the time. We are quite aware of the need to make plans quite simple, when they can be simple. However, at the highest level, FESA, in conjunction with CALM, does quite complicated plans like, for instance, the current state bushfire threat analysis, which has involved significant mapping, community consultation and researching, whereas fire management plans can be as basic as a simple template, which we have already developed in anticipation of something being endorsed through this process.

The CHAIRMAN: How do landowners get involved in this? If I were a landowner or a pastoralist, how would I know how to develop a fire management plan?

Mr P.D. OMODEI: Get a consultant and pay him.

Mr Hynes: That is one option, but as FESA is an emergency service we are quite keen to work with all landowners and local governments. Our staff would be available to provide examples of fire management plans. We would encourage them to develop them. Obviously, we would have to do that on a priority basis, but certainly that is what we are available to do now and we would certainly like that opportunity taken. For instance, in the north west we already do those types of activities with pastoralists. We would give them an easier template framework to use. They would be developing it with our staff. There is a range of things we can do to assist in that.

The CHAIRMAN: Is there a cost involved in that? Have you any idea how much it does cost?

Mr Hynes: Obviously there would be a cost for landowners who undertake the bushfire management plan, but we see FESA as providing an assistance in doing that as part of our normal activities in providing a safer community.

Mrs J. HUGHES: Is there a review process of those plans?

Mr Hynes: We are proposing through the legislation that FESA have the ability to reject a plan, prior to its approval obviously.

Mrs J. HUGHES: Would there then be a five-year review of those management plans, or would it be one and that is it?

Mr Hynes: That is a good point. Once somebody has done a fire management plan that is not the end of it. The review would be an important part of it.

The CHAIRMAN: We have talked about firebreaks being part of the fire management plan. Does it necessarily mean that if you have a fire management plan, you automatically rule out firebreaks?

Mr Mitchell: The current arrangements under which local government insists on firebreaks will still apply. I do not see that changing at all. This is only for those that are impractical; that is, where firebreaks just will not be functional. We need to have alternatives to them because it is just impossible to put a firebreak around a large station.

The CHAIRMAN: If I were a landowner who put in firebreaks, could there be an instance when FESA would also require me to put in a fire management plan after I have put in firebreaks? Could you give us an example of that happening?

Mr Hynes: At the local government level local governments can now require landowners to put in firebreaks or alternative solutions. We are proposing through this legislation that that will continue to occur. It is in those areas where it is uneconomical or not viable to put in firebreaks that we are considering bushfire management plans, for instance, in large tracts of unallocated crown land. When you put a fire management plan in place, some of it may include a firebreak. It might be the best way, because firebreaks are not just for the purposes of stopping fire burning material; they provide access and an anchor point for back-burning and those types of things. Firebreaks may always be an important part of the fire management plan, but in some areas it is just not practicable; it is more a question of reducing fuel loads or just identifying areas of risk and having some other way of mitigating the potential for a fire to go beyond one tenure into another tenure.

The CHAIRMAN: On the question of liability, if FESA has approved a fire management plan and there is a fire and a lot of property damage or even a life lost, who is liable and whom would it come back to?

Mr Bowden: I think it is one of those things where FESA would consider itself to have a fair amount of expertise in that area. It would certainly be providing advice to local governments and to landowners on a best efforts basis. Ultimately it would be a matter for the courts to determine in any given case or set of circumstances who was liable, so it is not really possible to determine. We see the issues about firebreaks and fire management plans as a cohesive strategy to putting together a lot of the stuff that is already out there now. Local governments require firebreaks and local governments require farmers to undertake certain activities when they are harvesting; for example, they might require that a fire vehicle be present during harvesting arrangements. We see the fire management plans as a cohesive arrangement that takes in all of those elements, which address good housekeeping issues and the sort of thing that landowners should be addressing as a matter of course in proper risk management, so we would be helping them to meet those issues.

Mr P.D. OMODEI: CALM now controls unallocated crown land, does it?

Mr Hynes: For the purposes of fire prevention.

Mr P.D. OMODEI: Currently all land under CALM's control would have a fire management plan over it. Obviously it has been going on for many years and, I understand, it will be going on into the future. Should unallocated crown land be subject to the same kinds of conditions - in other words, a proper fire management plan - it would surely impose a huge financial cost on the state. Has that been taken into account? Obviously if we are to have legislation that is to be the same for land controlled by CALM and all unallocated crown land - I understand there are many thousands of square miles of unallocated crown land - surely that burden should be met by the government. Has that been taken into consideration?

Mr Mitchell: The government already puts about \$2.5 million into CALM for the prevention of fire on unimproved crown land, which is a significant increase over the past few years. I am sure that CALM would argue that it is still insufficient.

Mr P.D. OMODEI: It would say that it needed 20 times as much.

Mr Mitchell: Yes, and we would agree, but I think we have the issue again, and we can use the example down around Newdegate way and down Ravensthorpe way, where farmers back onto UCL. There is an obligation for the farmer to do the right thing, and there is still no obligation for the government to do the right thing. I think it is just a matter of equity that it is applied. We need to apply fire management plans in a sensible way. We need a really sound fire management plan in place for when properties and people's livelihoods are at risk. If you are running in that national park that backs onto all those farms on the Ravensthorpe strip, there needs to be a sensible fire management plan, and a strict one. The further you get out, although there is still a fire management plan, it is not as strict in its conditions because the impact of it will not be the same. There needs to be some judgment work that is applied by all those people in this business about the risk that that fire creates for the people and for the environment wherever it occurs. In the high-risk areas you do need a really sound fire management plan, but the further you go away the risk is lower, and obviously the amount of effort that needs to go into a fire management plan is less.

Mrs J. HUGHES: This has probably already been answered, but does FESA believe it has the expertise to deal with fire management plans when it comes to wildfire issues rather than fires closer to residential or rural landholdings?

[10.15 am]

Mr Mitchell: Yes. It is an interesting view that some people in the community have of FESA; that is, that it fights structural fires and has no skills in much else. I strongly object to that view. It is an insult to our staff, who, in the main, fight and manage more bushfires than anybody else in the state.

We are as competent as any other government agency or any other fire agency around Australia, whether they be rural or urban, because we deal with both. I know that there is a perception that we are the urbans. That is the part of our agency called the Fire and Rescue Service. There is another part called the Bush Fire Service, which has been going for many years with a group of very qualified people. The majority of the fires fought by the Fire and Rescue Service are very dangerous wildfires and it manages them very, very well.

The CHAIRMAN: I will change tack a little and refer to our urban areas. I understand that you have been working with the Department of Housing and Works to ensure that FESA's needs are met. I understand that at the moment you are not required to issue building licences or contribute to building licences in any way. Can you give us a bit of an idea of the agreement that is reached between FESA and the Department of Housing and Works in this regard?

Mr Mitchell: I will ask Col Williams to answer that. Col is the manager of our fire safety area and has been dealing with that issue.

Mr Williams: We have had a few meetings with the Department of Housing and Works, because, in the first place, it is going through a process of developing a new building act, and we are vitally interested in that. FESA, or the old fire brigade, has been involved with Western Australia's building approval process for many years. The submission details that anyone who is after a building licence must submit plans to FESA for some assessment. The problem with that assessment is that the building regulations do not give enough detail on what is to be assessed and what is to happen following the assessment. One of our concerns is that, once an assessment is made, we do not have any ability to do anything with it. We are talking about matters relating to fire, because about 70 per cent of the Building Code of Australia relates to fire matters. Once we make our comment on the assessment, the local government building surveyor who issues the building licence can choose to ignore that. Our concern is that we do not have any ability to pursue that matter. There have been a number of cases. It is happening all the time. A local government will go against our advice and the only comeback we have to that is to maybe write a letter to the local government saying that we do not like it and that it should be aware that if something happens, it is on its head. Other than that, that is about it.

The CHAIRMAN: Are you suggesting that FESA become part of the approval process? I presume that it is for public buildings, multistorey buildings, apartment blocks and those types of buildings, rather than single dwellings. Are you saying that you need to be legislatively empowered to tick off, and that if somebody does not come up to the standards that you require, the building will not go ahead or will have to be modified?

Mr Williams: That is right, so that we have some ability, probably through an appeal process, to make changes to that building licence. For example, because the Building Code is performance based, developers have a number of options for a water supply to a fire hydrant service within a multistorey building. It is not simply that they must have a water tank and a fire pump to make it work; they have different options. That is why FESA is involved. The equipment we are talking about is that used by firefighters. We are concerned for their safety, as well as for the safety of the people who use that building. Sometimes we do not agree with the solutions that are proposed by building developers. In most cases, the building surveyors who issue the licences accept our advice, but when they do not, we do not have any comeback on them, and that is what concerns us. You asked a question about wanting to be involved in the building approval process. We are, but only as an advisory body. Once we give our advice, if it is not taken, we have to walk away from it.

The CHAIRMAN: Where would the liability fall if I built a multistorey building or a public building? You have said that I need so many fire hydrants, a pump to boost the water to a certain pressure, so many exit staircases etc. If I decide that I will not bother with that and the local council lets me get away with it, what would happen if there were a fire?

Mr Williams: I believe that the local government would bear the liability, because it has issued both the licence to build and the certificate to occupy once the building has been completed. Because all building approvals are in the hands of local government at the moment, it rests with the local government. That is why the only comeback we have is to write the local government a letter saying that we think it is wrong and put it on record.

Mr P.D. OMODEI: What are you suggesting? Are you suggesting that FESA have a heavier involvement in fire requirements for building approvals? In the end, the Building Code of Australia is very specific about firewalls and those types of matters. The main pressure from the Water Corporation has to be a certain pressure. Surely all those things already exist. Do we really need another layer of approval in the building industry? You cannot suggest that it be taken away from local governments. They have to meet all the other requirements for the planning aspects, codes and those kinds of things. Are you suggesting that the involvement of FESA is not strong enough at this stage?

Mr Williams: I suggest that our involvement is not strong enough. We are seeking more involvement, particularly on the features in buildings that our people would use; that is, the operational aspects, such as the fire hydrants and the things that make it safe for our firefighters to enter a building. An example of that might be a stair pressurisation system within a high-rise building, which would keep smoke out of the stairs and allow firefighters to enter the building. If it is left to the local government building surveyor or the various people involved in the process who are quite happy to certify that something is okay, we know of plenty of examples in which they do not get it right. For example, a new recreation centre in the hills district is being built by the local government, and it has completely gone against our advice on the water supply, which we know is inadequate. It has gone against our advice and built the place, and it is up and running. As I have said, all we can do in that case is write a letter to the CEO and say that it has got it wrong.

Mr P.D. OMODEI: I think you should write to the minister. Is it intended that that section of the act be strengthened to give FESA a stronger involvement?

Mr Mitchell: Yes, and to have the power to approve. If people disagree with us, there is an appeal mechanism. However, those sorts of issues need testing; in other words, if we say no, there is an ability to test that decision. We have seen over time a range of issues that are unacceptable in our view. Major retail outlets with a full fire load within the building have officially opened without an operational firefighting system. We would not allow that if we had the power to stop it, because it is wrong that that should occur. It puts at risk the lives of people when it is unnecessary to do so. That happened in one instance simply to meet an opening date. The opening had been advertised, so it needed to go ahead. I do not accept that as a matter of principle, if we accept that our role is to maximise the safety of the community.

The CHAIRMAN: Have there been any incidents in which a local government or a developer has not accepted your advice and then a tragedy has occurred afterwards?

Mr Williams: I am not aware of that.

The CHAIRMAN: There has not been a case.

Mr Mitchell: No, not that I know of.

Mr Williams: And we hope that it does not happen.

The CHAIRMAN: Surely lots of these things are already in the building codes; for example, pressurising staircases when the building is above a certain height.

Mr Mitchell: The Building Code used to be very specific. It has been changed to what is called performance based. People are able to come up with all sorts of alternative options. It no longer specifically says that exactly this, this and this is needed. It says that in general terms this, this and

this is needed and that a way of satisfying that general requirement must be developed. That is where the debate occurs.

Mrs J. HUGHES: As the practical part of that, do you see FESA operating within the local government organisation and staffing that? Do you have the resources to do that? Would you perhaps look at FESA working within the building codes and working at that more strategic level?

Mr Mitchell: We already undertake the activity. The only difference is that we recommend rather than approve. We recommend to local government that it take this action. It can choose, because it is a recommendation, to do anything it so wishes.

Mrs J. HUGHES: Would FESA want more input into the Building Code itself at that level?

Mr Mitchell: We are a member of the Building Code review.

Mr Williams: FESA is a member of the Australasian Fire Authorities Council. The Australasian Fire Authorities Council has representatives on the peak Building Codes Committee, which answers directly to the Australian Building Codes Board. The fire authorities are right there in the middle of all Building Code changes, amendments and whatever.

Mrs J. HUGHES: Are you finding that your voice is not being heard at that level and that your input to the building codes is not being considered? From what I have just heard, it appears that the building codes have been -

Mr Mitchell: They have been generalised and the specificity has been taken out of them, which allows people to develop solutions to meet the objective. It is in debate on the proposed solution that we sometimes disagree. Let us face it, we are not talking about the majority of instances; we are talking about the very few instances in which local government does not accept our view. This proposal will allow us to close off those issues that are, in a sense, the minority issues, but we believe they are a risk that the community is not aware of but should be aware of. We should have a role in saying that we will mitigate that risk to the community.

The CHAIRMAN: You have said that you do this already and can only recommend to a council. Every public building or multistorey building comes to you for assessment.

Mr Williams: The building regulations state that every building of class 2 to 9 - that excludes class 1, which is a normal house, and class 10, which is a backyard shed or a fence - come to FESA. We make an assessment on those buildings and we provide a comment back to the person who submitted that plan, and we send a copy of that assessment to the local government.

The CHAIRMAN: You will not need to recruit a large number of staff.

Mr Mitchell: No. This is not a proposal to increase our resourcing. This is just a proposal to close what I think is the loophole in the system that allows buildings to be constructed and then opened that in our view do not meet the requirements.

Mr P.D. OMODEI: You are not suggesting that the Building Code move away from the performance-based standard.

Mr Williams: No.

Mr Mitchell: No.

The CHAIRMAN: In your submission, you mentioned that you would like this to extend from class 1B to class 9. Can you explain class 1B to class 9?

Mr Williams: Class 1B is probably a step down from a large backpacker-type building. The definition in the Building Code is that it is a building up to 300 square metres - it is not a huge building - with a maximum of 12 people. It is probably a largish bed and breakfast type building or

something like that. Previously we have not been involved in that. We have started at class 2, which is multilevel residential.

[10.30 am]

The CHAIRMAN: At the moment you can apply to a stipendiary magistrate to have a public building closed, and you want that extended to a class 1B as well?

Mr Williams: That was written when the definition of a public building was a bit broader. A public building definition now really relates to places where people gather for political, religious or sporting purposes, and nightclubs, and all those sorts of things. We do inspections of those sorts of buildings on a regular basis, and that power exists to do something about, say, a nightclub that had all its exits locked. We would be able to go in and ask for that to be immediately rectified. If that is not done, we can call in the police to close it and keep it closed for that period. It is strictly within that sort of building. We believe it should extend to a wider range of buildings, such as backpacker hostels and hotels, or a large retail outlet that had its doors or exits locked, or had fire loads that we thought were unacceptable. We want to extend it to those sorts of buildings.

Mr Mitchell: I can add that, in the years I have been there, we have never had to exercise the extreme power. In other words, on the advice of fire officers, people have rectified the problem in 99 per cent of the cases. However, it is to our advantage, we think, as part of the armoury of the management of these issues, to continue with that role, which was the assisting and educational role, but we actually need the ability, if things do not go according to plan, to take that final action.

Mr Williams: I will add to that. That follows on from the example of the large retail outlet I mentioned previously. It was allowed to open when it was clearly not ready to open, because the fire services in the building were not ready or operational. If something had happened, there could have been a major catastrophe, for either the people or property. At the moment we do not have any avenue to do anything about that.

Mrs J. HUGHES: So you would want final inspection before a building was opened?

Mr Williams: Not necessarily final inspection, because there are just too many buildings for us to do that, and it would be too onerous, but with major buildings where there is a high risk to life and high property values, we believe we have a role to do that, and that the local government should not issue its certificate of occupancy until it has something from us that says we are very happy with the building, and the fire service is up and running and meets the need.

Mr P.D. OMODEI: It would give you the ability to go into a building that pre-existed the application of the Australian Building Code and close that building down. The proposal to have one emergency act is a good one, and there is general acceptance of that, but if FESA is seen to be dominating proceedings - obviously it will be the peak body - and it treads on enough toes in the local government sector and other areas, we finish up having a piece of legislation that languishes on the notice paper for ever and a day. In the end, it is the art of being able to negotiate with the Department of Housing and Works. I notice the Department of Housing and Works is not happy about the proposal to allow FESA to close down buildings. It would rather FESA had a recommending power. I think that, between now and when the legislation goes before Parliament, we could do a bit of paddling between public organisations.

Mr Mitchell: I accept that.

Mr M.J. COWPER: I refer to recommendation 10, under which FESA seeks to become a department rather than an authority, and recommendation 11, which says that the emergency services levy be used to fund capital and recurrent costs associated with administering and operating bushfire units, State Emergency Service units, and the voluntary fire and emergency service brigades. In essence, if FESA is to take over the emergency services levy, and become a government department, would that not just be a local government-funded tax on the people of Western Australia?

Mr Mitchell: The FESA Act as it is currently written has FESA totally responsible for the emergency service levy, and it is not part of the Treasury consolidated fund arrangement. It is a totally separate account, managed by FESA. Our legal advice is that, even as a department, provided the legislation says so, that would need to remain. We would insist that, as part of that arrangement, it would have to remain as a separate fund managed by FESA, obviously under the guidance of the Treasury and the government. Everything is, and it would remain that way, but it would be very much a separate fund. No money can be taken from it for purposes other than those for which it is provided. That would need to remain, and our legal advice is that that is possible and can be done easily.

Mr M.J. COWPER: Moving on from that question, I understand that in the past the fire services brigades have been funded by the authority, which was made up of insurance companies and a host of other various groups. This submission recommends that the whole of the service, including the metropolitan fire brigade service, would be funded from an emergency services levy.

Mr Mitchell: Yes, and it is currently. The emergency services levy was introduced in 2003 and, apart from what the government puts in, it funds the full cost of the metropolitan fire and rescue service, the bushfire brigades across Western Australia, the State Emergency Service, the new volunteer emergency service units, which are amalgams of different groups, and fire service units, which are amalgams of bushfire brigades and fire and rescue service. The ESL has now been in operation for three years, and I see no change to the way that now operates.

Mr M.J. COWPER: What role will the insurance companies play in the future?

Mr Mitchell: The insurance companies have played no role since 2003.

The CHAIRMAN: Can I just expand on that a bit further? In your submission you are also asking for the legislative power to establish or to cancel a bushfire brigade. Could you give us some of the rationale behind that? Apparently you have a statewide resource-to-risk model for FESA, which you use to determine where bushfire brigades should or should not be located. If that is the case, why do you not just pass that on to local government to apply?

Mr Mitchell: I will just go back a step. The issue here with the bushfire brigades is that, because of the emergency services levy funding arrangement that supports bushfire brigades, SES units and so on, the bushfire brigades are now 100 per cent funded by the emergency services levy for their gear and their running costs. FESA needs to be involved now in an approval process that says either "Yes, you can have another brigade" or "No, you should not have that one", and so on. You just cannot have bushfire brigades popping up all over the country, then putting up their hands and asking for funding. There must be a mechanism that determines whether the funding is available. You have that as a funding issue on the one hand, and on the other hand you have what we call a risk-to-resource model, which is being worked up across the state and actually describes the sort of equipment and resources you will need in a community to address the issues that confront you. Without naming anyone, it is a valid product of history that a shire could have 29 or 30 bushfire brigades. If it is not a very big shire, it could have only one or two.

Mr M.J. COWPER: I had 32, in one shire.

Mr Mitchell: When you do a risk-to-resource model it may show that the amalgamation of some of those is a better way to go, but that does not mean to say that that will happen. We are working with shires and trying to work through the risk-to-resource model to get some form of consensus view on what should occur into the future. You have to be careful. These people are volunteers, and provide their time, so it is not a matter of dictating to them how you go about business. You actually have to try and work to convince local governments and volunteers that there is merit in coming together. You may actually find a brigade that currently has two light tankers. In our risk-to-resource model, it would be better in coming together and having a 2.4 and two light tankers, or a larger truck and a smaller truck. Those sorts of issues have to be worked through shire by shire.

But put simply, if everybody decided to establish another 500 bushfire brigades, the ESL could not fund them all.

Mr M.J. COWPER: The problem we have is that you are relying on volunteers on the ground. I am going back to the small country towns where they have evolved over time and are mostly comprised of farmers who have banded together and become units. They are the mainstay of our volunteer service. Without those volunteers, whether they be bushfire, SES units or sea rescue units, the impost for the state would be enormous. I am concerned that the changed management mechanism will disenfranchise a lot of people, who would see that FESA may well be turning into a bureaucracy of which they want no part.

Mr Mitchell: I think there is a risk of that. In some parts of the state, that is the view. In other parts of the state, it is the dead-set opposite, so it is a really delicate balance that you walk. At the end of the day, I do not think we have attempted to close a bushfire brigade, and I am not sure that we would ever arbitrarily attempt to close anything. However, we would certainly work with the community and with local government in endeavouring to improve the ability of that community to protect itself. That means we would be encouraging people to amalgamate and get different gear. I am not sure that we would take a sledgehammer approach and say we will close down your bushfire brigade.

Mr M.J. COWPER: There is already a concern about the replacement of vehicles in fire units. I was out the other day dealing with a local unit in my electorate. They were saying that the replacement program for their vehicles was 10 years but now it is 16 years. We are asking our volunteers to go out there and put their lives at risk in dangerous situations. I suggest that we need to be able to provide at least state-of-the-art equipment for them to do so.

Mr Mitchell: We can clearly demonstrate that, generally, when local government had responsibility - there are some shires that are different - the condition of the fleet of fire appliances of Western Australia was nothing short of appalling. I can show you facts demonstrating that vehicles today are significantly improved over what they were three and a half or four years ago. I know that the one you are talking about has a very good approach to fire management. They still have very good appliances and although the vehicles they have may be due for 16-year replacement - I cannot comment on the specific brigade - it may be that the vehicle will last 16 years, but will do eight years in that shire and then do eight years in a less onerous shire. That is the whole system of rotating these days. High usage brigades get brand-new equipment, but brigades further out into the wheatbelt, which do not do as much response work, actually get refurbished vehicles, which are sent to lower activity areas across the state. We are behind in our replacement program - I make no bones about that - because we have a program of refurbishing old appliances and placing them in low activity areas, and when we have received those appliances back for refurbishing, they are in no condition to be refurbished.

The CHAIRMAN: You just said that you could provide information on the fleet. Could we ask you to provide that information?

Mr Mitchell: I can let you know that the average age of the bushfire fleet across Western Australia, which was running at between 15 and 16 years, is now running at 12 years, after three years.

Mr M.J. COWPER: Yes, but it is fair to say that they did not have access to the ESL. I understand the point you are making, but they did not have access to the ESL and the replacement program that now exists.

[10.45 am]

Mr Mitchell: It does.

Mr M.J. COWPER: Previously.

Mr Mitchell: Yes, that is right, they relied on local governments to provide the replacement program for equipment and protective clothing etc. Some did it well and some not so well.

Mr P.D. OMODEI: Mr Mitchell, surely local government is already rationalising the voluntary brigades anyway.

Mr Mitchell: It is now.

Mr P.D. OMODEI: I do not think that is a major imposition. It is just a question of FESA imposing its will on local government, creating division. In regard to the ESL, if I could just go back one step -

Mr Mitchell: While you raise that issue, if I have to concede on the paper, I would rather concede on not having the ability to cancel, but I would still like to be involved in the approval process, because how it is funded has a financial implication for the broader community of Western Australia.

Mr P.D. OMODEI: That makes the cake even smaller. In relation to the ESL, obviously currently local government collects the emergency services levy and it is administered by FESA.

Mr Mitchell: Yes.

Mr P.D. OMODEI: Is it intended under the new legislation, given that it is proposed that FESA be a new government department, that FESA would undertake the raising of the ESL?

Mr Mitchell: No. Exactly the same system would apply. There would be no difference at all. It would be an isolated account.

Mr P.D. OMODEI: Right, so you do not want the taxing power?

Mr Mitchell: The only reason that local governments have been asked to collect it is that they have the system already in place.

Mr M.J. COWPER: I refer to a different subject that is not mentioned in these recommendations. The various units and the like will come under the one roof. The State Emergency Service traditionally has been housed in Belmont, FESA has its own headquarters and police operations in the case of an emergency would use their new facility out at Midland. One issue was raised in Parliament recently about the ability to respond under our emergency management plans to, say, a pandemic or a terrorist attack or maybe even an attack by a future weapon, such as a pulse mechanism with electronics. How are you situated in relation to facilities at a headquarters from which you are able to operate? From what I see, you are kind of all over the place; you have bits here and bits there.

Mr Mitchell: Without pre-empting the current budget process, Mr Cowper, we have had plans in place for some time and a lot of risk analysis has been done on the very issue that you are talking about. The location of the FESA headquarters, which happens to be above the fire station in the city, is inappropriate for a range of reasons. It is particularly inappropriate for a command centre and particularly inappropriate for a 000 facility, for a range of security issues, such as having a major court complex around us and so on. We are proposing that FESA headquarters be an amalgam of all the FESA parts so that the Belmont part would become part of the same complex. We propose that there should be a new one of those established and it should be outside the CBD. We are proposing that it be placed some distance outside the CBD.

Mr P.D. OMODEI: So it is a moot point really. If you have it where you are now in Hay Street, you cannot get out in some kinds of disasters; however, on the other hand, if you are outside, sometimes you cannot get in. What is the best option?

Mr Mitchell: I think you can get in. I think that is an issue, because the people who want to get in are not the people in the 000 centre or the command centre; they are the people based at fire stations and SES units around the metropolitan area. If you take the headquarters out of the city, you still

leave the fire station in the city - we hope a new one of those is being built in Wellington Street - you have access by the Daglish brigade, the Kensington brigade and the Belmont brigade, and all the brigades north of the river can still come in. I do not believe it is an issue of not having our command team at the front line; that is, the state command team that sits back and manages the incident from afar. Also, my major concern is the security of the 000 centre. Because of the way fire services operate, particularly urban ones, the command centre and the 000 centre become integral to the response, so they need to be together. Wherever you put them, they need to be together, as that is the way that those sorts of brigades actually operate.

The CHAIRMAN: During the last term of government, I went to Vancouver, which has a similar system to the one you are talking about. It actually has a command centre that houses not only the fire and emergency services but also police, ambulance and 000 - it is 911 over there.

Mr Mitchell: Yes.

The CHAIRMAN: Is that the sort of system you are talking about?

Mr Mitchell: It will house the emergency services but not the police. The police are in Midland. We want to be a distance from Midland so that we are able to back each other up; that is, if something happens to one of us, the other one still has a command centre and a 000 centre and can still operate. We are actually making a deliberate choice to have two - one at Midland and one elsewhere in the metropolitan area.

The CHAIRMAN: Is there an interconnection in many instances that requires police as well as fire and emergency services and ambulances? Is there a proper communication network between the two centres?

Mr Mitchell: Yes, there is. We are in the process of building the very first - I think the first in Australia - joint incident control vehicle. It will be done between us and the Police Service so that it can be multifunctional and have both of us operating at the same time. I think those issues are being addressed. We work very well with the police, and I think the police would say that in reverse. We have a really great cooperative arrangement with them.

Mr P.D. OMODEI: I have a new issue.

The CHAIRMAN: Yes, I think we are moving to a new issue.

Mr P.D. OMODEI: In relation to the proposal for the one agency, which would be designated to control all the fire incidents in Western Australia, could you go through how you propose to do that, given that there are obviously FESA, CALM and local government?

Mr Mitchell: If I could, I will take a second or two to let the committee know how it functions at the moment. In this state around 124 different bodies - agencies, local governments or whatever - have the responsibility for incident management and suppression of fires within different parts of the state. It is even more complicated than that. In one shire, FESA is responsible for the fire and rescue area around the towns; local government is responsible for incident management on the farmland and the bush; and CALM is responsible if there are some CALM lands. In one shire there may be three independent agencies responsible for fire suppression in that area. That has worked reasonably well for us over the years, particularly when a fire has started in a town and stayed in the town and the fire and rescue brigade responded and put it out; there is no issue there. Out on the farm where a fire starts, the bush fire brigade goes and puts out any fire that starts; there is no issue there. It is the same when CALM has a fire on its land; it goes and puts it out. The difficulty arises when there is a major fire that crosses all or some of those boundaries, and at that stage it depends on where the fire starts and where the incident management rests, despite what is in front of them. That, in itself - although we have managed to work with it in the past 30 or 40 years - is not the ideal solution. Already local governments are addressing this issue through a self-paced program; 55 or 56 local governments have an agreement with us that they will ask us to come in and take control at a particular point of a fire. They will ask us to send some people to take control of the

fire as it has passed the level of their confidence or the level of risk that they want to assume, and we can do that. There are 55 or 60 other shires, of course that have not got to that stage, and they may not want to get to that stage. However, I believe that does not obviate the need for the government of Western Australia to say at some point that it will take responsibility for a major fire which is out of control and which, in the view of a government agency, requires other assistance. I really believe that there are enough examples around. In the past 12 to 18 months we have seen two coroner's reports that have said exactly the same thing.

Mr P.D. OMODEI: What would you do, given the Pickering Brook-Mundaring incident?

Mr Mitchell: All right, we will take the Pickering Brook one.

Mr P.D. OMODEI: Compared with what happened last year, what would you do under the new structure?

Mr Mitchell: Under our proposal, FESA would have had the capacity to take control. What we would have done was ensure that the incident management team of that fire, because it crossed all the boundaries, comprised people from CALM, FESA and local government. You do not run an independent incident management team and then have others running in subsectors. I think if you took one step back and there was no history to Western Australia - I know you cannot do that - it is logical that the government would say that it needs a combined incident management structure for major incidents. I think we would say that, simply as it is the best way to operate. What I am saying is that under that arrangement, CALM may still retain the role of manager in charge of the incident, but we would look at it and say, "Yes, they have a good incident management structure. It's made up of experts. It has people from all of the different areas that are burning within the incident management structure. It's a good one. Let it go." Again, remember, we are talking about five to 10 incidents a year that we believe need some intervention in the process. The Auditor General has been very clear in his report that it needs to occur. The coroner, who looked at the Tenterden and Lancelin fires, where unfortunately there were deaths, made the very same observation and the very same recommendation. It is not an issue of me wanting our agency running around the state taking control of every fire. That is not what this is about. This is about having the capacity to do it, if necessary, and only when necessary. How you make that come to life is through negotiation and discussion with other agencies and local governments and having very sound policies and procedures in place that are well known. That is what we are doing with local governments. In fact, 55 already have signed up to that arrangement in a cooperative way. If you ask me whether they all will, I would say no, they will not in a cooperative way. I would expect that once every 50 to 100 years you would need to go and take over a particular fire in any one area.

The CHAIRMAN: You said 55 out of the 120?

Mr Mitchell: About 120 really.

The CHAIRMAN: Is that excluding the metropolitan councils?

Mr Mitchell: Yes, except those around the edge.

Mr P.D. OMODEI: About 120.

Mr Mitchell: Yes. There are 12 of those around the edge of the city, and half of those have a partnership going with us, in that we actually employ a person who works full-time with the shires and the brigades on fire issues.

The CHAIRMAN: At what level is the decision taken by FESA, rather than any of the existing managements, to seize control of the fire? Who makes that decision?

Mr Mitchell: When it will occur in those 55 local governments is prescribed in the agreement, and it will occur at varying times, depending on the shire. However, if you are talking about our model, where you may get the Lancelin one going, that would be a decision of the most senior fire

operational person in the state at the time, which would be - for those of you who remember the old days - the equivalent of the chief officer. In our days, it is the director, country north; director, country south; or the director of metropolitan fire. One of those three would, in a sense, have my delegated power to make that decision, and only then.

Mr P.D. OMODEI: What is proposed to happen to CALMfire under the new structure?

Mr Mitchell: We are proposing that there be no change to CALMfire.

Mr P.D. OMODEI: So you are not suggesting that CALMfire should disappear and be part of one organisation? I know that if you are smart -

Mr Mitchell: I am not smart.

Mrs J. HUGHES: It is just a tricky question.

Mr Mitchell: It is a tricky question. No, I am not really. I think CALMfire has a really significant role to play in the land management of forests, particularly in the high-risk areas.

[11.00 am]

Mr P.D. OMODEI: In a perfect world?

Mr Mitchell: In a perfect world I could envisage a single fire agency. I use as an example other states that have or are moving closer to that model, or are at least allowing the one agency to have control of fires in predetermined circumstances, but there would be no reason for not having FESA deliver that service.

Mr P.D. OMODEI: It was an interesting discussion that we had with CALM.

Mr Mitchell: In a sense, the system works. I am not saying the system does not work. If we are looking for opportunities for improvement, this is one opportunity for improvement. The system works and it has worked for many years, but there are problems with it that rely on the goodwill of humans. For example, CALM has the capacity to take over a fire that is burning on or near CALM land. There is no definition of "near". If a town is under threat, there is no capacity under the legislation for FESA to take control of the fire on CALM land. Where is our priority: with the towns or with the forests? It should be with both. That is all I am suggesting. There needs to be a model that allows somebody accountable to government and the community of Western Australia to determine whether major incidents are being managed in the best way that they can be; it should not be reliant on whose patch of ground it is and so on.

Mr Hynes: It is also important to note that community information and alerts are very important in major fire events. I refer to the ACT fires when there was an extreme community reaction to poor information because of the ambiguous control of that fire, with the New South Wales Rural Fire Service and the ACT not too sure about how it was going and who was taking the lead to inform the community. FESA and the WA Police have significant roles in providing information to the community and we are increasing those activities every year. This year, a lot more information will go out to communities. For that to be effective there must be an effective incident management team. It has to be unambiguous. We need clear information from planning people and incident managers about the potential threats for a fire as it interfaces with the community. Currently the system does not allow that to be effective.

Mrs J. HUGHES: This is a general question. Most of the submission is aimed at devolving fire management issues, control of some approvals, brigade control and the ESL process from local government to FESA. Basically, local government will collect the ESL levy and will also be instrumental in the firebreak enforcement, notices and so forth. How do you feel local government will feel about being the workhorse of FESA?

Mr Mitchell: We just spoke about taking over a major incident.

Mrs J. HUGHES: I recognise that.

Mr Mitchell: The suggestion is that we should provide the opportunity to local government, if it wishes, to talk to us about the potential of us going into a partnership with local government to take over the responsibility of their brigades - if they wish, and if volunteers wish, that to occur. It is a decision for local government. I do not want to impose the FESA regime on local governments that do not want to be within the system. If they want to retain ownership of their brigades and manage their brigades and look after them, we will still fund them through the levy, but they will be local government-based brigades and they will have to manage them and look after them. All I am suggesting, as included in the submission, is that we are approached by many local governments and brigades that want to become part of the broader fire system of Western Australia rather than just the local system.

Mrs J. HUGHES: The costs associated with firebreaking, notices and enforcement etc will still be the onus of local government.

Mr Mitchell: Yes.

Mrs J. HUGHES: Will local government pick up the cost?

Mr Mitchell: As it does now; no change.

The CHAIRMAN: You are recommending that the legislation provide for a flexible arrangement, which you have just said -

Mr Mitchell: Yes.

The CHAIRMAN: - and for them to hand over bushfire brigade responsibility. If they choose to, is there any cost involved in that?

Mr Mitchell: No, there is no cost. Sorry; there is no cost in the brigade system, but there will be from our side, because if more and more shires hand over their brigades for management, training and so on, then there will be a cost. We believe that if every brigade in every shire in the state decided that it wanted to become part of the statewide system, it would cost us in the vicinity of 20 people in total, together with the on-costs that go with that, but I do not expect that to become a reality. I do expect, if what we are proposing became real, that in the first 10 years or so we would see 30 or 40 per cent of shires joining meaningful discussions about some sort of sensible process of transition. Some will be knocking on our door on the day the legislation is announced, and I could just about name them. Ten or 15 would be there on the day the legislation was announced looking for FESA to take responsibility for their brigades etc, particularly in the high-risk areas around the city.

Mr P.D. OMODEI: Taking the example of the hills fire, I understand that fire got very close to a crisis when you were thinking about bringing in eastern states firefighters.

Mr Mitchell: We were not, no.

Mr Hynes: That is not correct.

Mr Mitchell: CALM mentioned that at one stage. CALM was the incident manager and it was its call. It was not our call at all.

Mr P.D. OMODEI: With CALMfire as the incident manager in that case, could you see a situation of conflict arising with the incident management team in that FESA may say to CALM that it wants to take over? I understand they shot through and went to fight another fire. It seems to me that the structure you are proposing still is not perfect.

Mr Mitchell: I think those things, when you implement them, are predetermined. That is the issue. If you have legislation that says this is how it is, then the process of how it gets implemented becomes a negotiated process between chief executives and so on. I honestly believe it can be, but it needs a clear statement from government that this is what it wants to occur.

Mr P.D. OMODEI: The state of Western Australia cannot afford to have bureaucrats haggling over who is responsible as the fire is disappearing over the hill.

Mr Mitchell: Absolutely; which is currently the case. What I am suggesting is that there needs to be very clear responsibility given to one agency that says it is responsible to ensure that the incident is properly managed.

Mr Hynes: The current system adds to the frustration and the ambiguity. This would clear it up.

Mr Mitchell: We tend to make it work, but it is not the best model.

Mr P.D. OMODEI: What does the Treasury think about setting up a new government department?

Mr Mitchell: I am not sure. I really have not discussed it with Treasury. Having operated in a department and in our statutory authority, the difference in a real sense is not significant, particularly if we isolate the funding arrangements, which we would insist on, and so would our constituents anyway.

Mr P.D. OMODEI: They would be delighted with the funding arrangements.

Mr Mitchell: They are, but they would not be able to access it all. That would remain. If we do that, the difference between a department and a statutory authority in reality, in the way we operate a statutory authority, is really not that great. The difference we have goes back to 1997 when we first started to review and set up the Fire and Emergency Services Authority. Because of pressures from constituents etc of the day, our board became a partially representative board. Any review by the Auditor General that you read suggests that that is not an ideal model with which to run an organisation. As a board we have reviewed that and the suggestion in our submission is very clear: we, the board, believe that we should be a department but we should have an advisory board that has access both to the CEO and to the minister of the day. I think that is a really good model for us and a better model than the one we currently have by a long way, because we have a very consultative structure, but there is no advisory board that actually talks to the minister.

Mr P.D. OMODEI: I agree with you, but knowing the Treasury's philosophy of getting rid of government departments rather than creating new ones, I wondered whether you had had any feedback.

Mr Mitchell: No, I have not. Remember that we are an amalgam already of two statutory authorities, one department and two pieces of the Police Service. We are amalgamated as a statutory authority. We had to do that because our constituents demanded that at the time, but the constituents of today are saying that it is okay. They think a department is the right way to go, provided we have an advisory board that has access to the chief executive and the minister on a regular basis - three or four times a year. That is a good model for our industry. It is the model that the Queensland government implemented just after we implemented our model in 1999 and it has been pretty successful there.

Mr S.R. HILL: My question relates to the redevelopment of the Geraldton foreshore. The City of Geraldton has issues about who has the ownership of and responsibility for fire hydrants. I notice you have covered that issue in recommendation 12.

Mr Mitchell: Fire hydrants are a real issue, not only for us but also for local governments. FESA has responsibility for fire hydrants within prescribed fire districts, and that goes back to the fire and rescue legislation under the Fire Brigades Act. As a result of that, whenever we have a declared fire district we pick up responsibility and ownership. When there is a bush fire brigade in a town, local government picks it up. We are the only state in Australia that still has that model. In every other state the water supply organisation owns, manages, maintains and wears the cost of -

Mr S.R. HILL: So the Water Corporation should be picking up that cost?

Mr Mitchell: I have no doubt. We have been in discussion with it for some time. However, we will probably need a resolution such as might come out of this committee. At the end of the day it costs us about \$700 000 a year to maintain fire hydrants in our patch. Local governments have these issues all over the state. Not just firefighters use fire hydrants; they are used by all sorts of people in the community for all sorts of reasons. Contractors also use them. In our view, we drive fire trucks on the roads but we do not own the roads and we do not have to maintain them. The analogy is the same. They should be owned by the Water Corporation, or the water authority, whichever it is. It is just another part of the water system. I think we can succeed in those negotiations, but it is an issue that we need to consider in this forum.

Mr S.R. HILL: Because it is very confusing for the local authority.

Mr Mitchell: And it is very confusing to us.

Mrs J. HUGHES: Some local authorities have both systems working.

Mr Mitchell: That is right.

The CHAIRMAN: What happens in the case of a private operator of a water system, like the Busselton town group or in Kalgoorlie?

Mr Mitchell: The Busselton people do a pretty good job. The Busselton group is very positive about looking after the hydrants in their system and so on. We would be seeking the same change with the Water Corporation, although I think it would be less painful for them because they do a fair bit of that.

The CHAIRMAN: I refer to the department's recommendation that you put in your submission. I understand that the firefighters' union is opposed to changing the name from the Fire and Emergency Services Authority to the department of emergency services. Can you comment on that?

[11.15 am]

Mr Mitchell: It has been a longstanding issue. When it was first set up, I thought the name FESA was inappropriate. My preferred option at that stage was the emergency services authority because that name would not focus on any one individual within. The State Emergency Service has been unhappy ever since we started with the name Fire and Emergency Services Authority because of the way it emphasised the first word. My view is that we are an amalgam of emergency services agencies and that it would be more appropriate if we were known as the emergency services department or the department of emergency services. I know that the UFU has a view. I also think that having the name "fire and emergency services" leads to part of its frustration, because the community believes that the fire service is the Fire and Emergency Services Authority and when there is an accident the media reports that FESA attended. Firefighters find that difficult to swallow, because they see themselves as the Fire and Rescue Service - which they are - but in our agency they are a division called Fire and Rescue Service, as there is a Bush Fire Service and as there is SES. I would have thought that changing the name to the department of emergency services would allow the fire and rescue name to become the more familiar name for the fire service part. It is an issue that I will leave on the table for others to make a judgment call on. It is neither here nor there except that it is a perception issue that I and the board have to deal with on a regular basis. We have to deal with two different perceptions. One is from those who want to retain the first word "fire" and those who do not want the word "fire" in the name because they are all in the name. We are the department of Fire and Rescue Service, Bush Fire Service, State Emergency Service, Volunteer Marine Rescue Services and emergency management service. That is the amalgam.

The CHAIRMAN: You just mentioned marine rescue. At the moment marine rescue reports to the police, DPI and you. Do you have any recommendations on how that should be done in the future?

Mr Mitchell: It reports to the police as the hazard management authority, which means that they have the responsibility to ensure that incidents are managed properly - no differently from how the State Emergency Service functions under the police incident management for land search. The police are the hazard management authority for land search as well as for sea search. That is reasonable and fair and the way it should be. We support volunteers so that they are able to do the job for the incident managers. I do not see it as an issue. Our task is to prepare and support the volunteers with training, equipment and boats etc, especially in the case of the VMRS. The incident management arrangement that exists with the police as the hazard management authority is the most appropriate.

Mr M.J. COWPER: Previously when they did their emergency management training - I have spoken to the commissioner about this - for land search or introduction to emergency management, it was conducted by SES through the police. I think the police facilitated it. The commissioner has pretty much restricted those courses to his own staff. The police are the lead combat body in relation to land search rescue, but obviously as the support agency the SES will be carrying out the body of the search. One issue is that the SES is not getting the same access to training that it was a number of years ago.

Mr Mitchell: I will have a look at that. My view is that the level of training now provided to the State Emergency Service far exceeds the level of training that has ever been provided. There is sufficient evidence to support that. I would be really concerned if the issue you raise is happening on the ground, because that is not what we have attempted to put in place. The training packages that are now available to the State Emergency Service both for land search and all its activities are first-class and are operated out of the training academy at Forrestfield. I have seen many SES people there on weekends. I have seen training taking place in the regions. I have seen lots of state emergency people and police officers taking part in emergency management training, because that is still conducted through our emergency management services people both here and in Mt Macedon in Victoria. It is ongoing. I will take it on board and have another look at it.

Mr M.J. COWPER: There was an anomaly going back a year or so ago in relation to a splinter group within the Volunteer Marine Rescue Services. Has that been sorted out?

Mr Mitchell: Yes. Marine rescue has two components. The metropolitan response group is not part of FESA. There are three units that are not a part of FESA. The other 33 or 34 units are part of the legislation that you are talking about. The Perth group is still supported through a grants process.

Mr P.D. OMODEI: Is it proposed that they be compelled to come under the umbrella?

Mr Mitchell: Absolutely not. It is their choice, as it is the choice with any of the volunteer marine rescue units. They have the option to opt in and opt out. I am not frightened by that. In actual fact I think one day the whole volunteer marine rescue group will be back and well coordinated again. At this time three groups do not like the model. That is fine. We built the legislation to allow that to occur. It is functioning. The other 33, I might add, would not have it any other way.

Mr P.D. OMODEI: From the point of view of running an emergency services organisation in the state, they should come under the one umbrella. It is all about somebody having enough courage to tell them that.

The CHAIRMAN: CALM has suggested that emergency services levy should also be used for fire prevention on allocated crown land and unmanaged reserves. Will you comment on that?

Mr Mitchell: There is a view that the emergency services levy is the panacea to everybody's problem. It is not one I share and it is not one that the government shares. The levy was established with specific purposes in mind. It supports the fire brigades of Western Australia - both fire and rescue and bush fires - with equipment, training, premises and protective clothing. It is same with the SES. It is the same with the volunteer emergency services units and fire service

units. It is not another source of funding when there are shortfalls in their budgets. My view is that on an equity basis, if the levy pays for the prevention activities on crown land, it should pay for the prevention activities on private land. That would probably cost hundreds of millions of dollars a year. It is not even a logical argument.

Mr P.D. OMODEI: Should it be used to pay for the pensioner subsidies and those sorts of things that the government has weaseled out? Do not answer that question!

The CHAIRMAN: A number of the proposed amendments relate to accountabilities and responsibilities under the act. Who do you propose will regulate and monitor agency compliance?

Mr Mitchell: This issue is worthy of broad debate. If one considers the power industry in Western Australia, for example, the overarching regulator is the Office of Energy. Although 124 agencies are involved in fire, I am not sure who should have the capacity to determine whether the system is operating effectively. In the power industry model, the Office of Energy ensures that the service providers are providing a service to the community of an appropriate standard. I refer to safety and all the rest of it. That is not a role for FESA to undertake because we are a major service provider and, therefore, we would run into conflict of interest. It is a difficult issue. I am not sure what is the right solution. I do not want another bureaucracy established, but while there are 124 agencies involved in this business, somewhere along the line the government has to know that the whole thing is working, and working adequately, in the 124 locations. I am not quite sure how that should happen. If we were given that role there would be real problems because we are a major service provider as well as a regulator with regards to service delivery. That would make it easy for people to say, "Well, what about them?" It is an issue that we must canvass and work through. However, I think if I were the government of the day, I would want to know that the industry and all its players were performing at an appropriate standard.

Mr P.D. OMODEI: Is that the province of the Auditor General or another regulator?

Mr Mitchell: I do not think that the Auditor General would have the capacity or the inclination to get into the operational service delivery of 120 shires, FESA and CALM. It will do broad overviews, as it did with the bushfire report. To get down to that level is a difficult issue. I do not have a solution, but we are trying to think of a solution.

The CHAIRMAN: If local government applies for ESL grant scheme funding and is denied part or all of that funding, do you give reasons or justification for not granting that funding?

Mr Mitchell: Our processes in the first year or so fell a bit short in the feedback process. This issue has been raised with me on a couple of occasions by WALGA and senior people from local government. It is an issue that we will continue to work on. We are in the process of attempting to get better at providing feedback for why a grant is not acceptable this year, and what we fail to tell people today is that it may well be a year or two years out. Instead of just saying no, there must be context to an answer. We are getting better, but we still have a way to go. The allocation of grants is an emotional subject, especially when one considers the demand for grants and the size of the budget to meet those demands. It is a pretty emotional subject and not everybody likes to hear an answer in the negative. I accept that we could have done better in the first couple of years. I think last year was better and I think we will keep working on that process to get it better.

Mr M.J. COWPER: With the proposed amalgamation of these groups, do you see any scope for bringing country ambulance services under the umbrella? Although country ambulance services are not in the business of an emergency service, they are a support agency that is fundamental to the operations of police, fire and the SES. In regional Western Australia they are desperate for funds. As we well know, there has been a shift of demographic away from small towns, in particular, and in the wheatbelt to coastal communities, and country ambulance services are finding it increasingly difficult to provide the service and coverage that is required.

Mr Mitchell: At the risk of being provocative and getting myself into trouble with a lot of stakeholders, there is the potential for that to occur. I travel the state of Western Australia and many of the ambulance volunteers are the same people who volunteer for fire and rescue, SES or the bush fire brigade. A number of them have said that it is silly, but we must remember that the ambulance service in Western Australia is not a government service; rather, it is run by a private organisation.

[11.30 am]

There is a long way to go. In other states it is not like that. Queensland has the same model as us, but plus the ambulance service. They have been innovative in various ways in funding that agency, not that I think we should replicate some of those means. However, they have addressed that issue of funding ambulance services pretty well in Queensland, primarily because they became part of the greater emergency services functionality of that state. I guess that is where we are at this stage. It could be, but I need to add that it is not on our current agenda.

Mr P.D. OMODEI: Going back to the ESL, the question is a delicate issue and may be difficult to answer. Under the old system of pensioner and other subsidies, I think about \$12 million was picked up by the consolidated fund, which will now be picked up by the ESL, will it not? When the government proposed the ESL, which was developed by the previous government as well, the proposal was that the ESL would cover everything. Treasury wanted a revenue-neutral arrangement. Is it true to say that in fact there could be more money in the emergency services areas if the consolidated fund had picked up those bits that it picked up before?

Mr Mitchell: I think if things such as the pensioner rebate were picked up as additional costs, yes, there could have been more money out there, but I must say in defence of some of those decisions that what we have seen since then is that the government has not attempted to take money and reduce its commitment - it has actually increased its commitment. I use as an example the helicopter system with the four helicopters that you see in the summer. That is not a burden on the levy, but is now funded by the government through consolidated revenue. In a sense, the government has, I think, acknowledged that the levy does what it does, and that for some of the special circumstances, like the helicopters and so on, the government will put in the extra money out of the consolidated fund. There could be an argument that it should come out of the levy.

Mr P.D. OMODEI: There would be none left for the SES then.

Mr Mitchell: It would mean then that the levy would become very, very expensive. I guess one of the issues with the levy is that all of a sudden our agency is becoming increasingly accountable, which I think is one of the benefits of the levy because people can see what it costs. The emergency service is not a free service. I think it is currently about \$180 million and the cost will continue to climb.

The CHAIRMAN: Just drawing proceedings to a close, Murray has another question. In some of the information you supplied to us you have records to be maintained. I understand from reading that that you are relying on phone fax to get incidents reported to you. Have you any proposals to do that online or in a better way than just phoning a fax?

Mr Mitchell: It depends on which division you are in and where you are in the state as to how effectively the whole thing actually works. To computerise the whole system across the state for the whole of the emergency services would be prohibitive, and we would not recommend it at this stage. We are investing an emergency radio network across Western Australia, which is costing \$20 million over the next three or four years, which will, for the first time, see all the amalgams of FESA able to talk to each other. They will be able to talk to the police, the ambulance service and CALM all through a statewide dual-band radio system. Communications are improving. The issue of getting information about incidents to a large degree rests with our volunteers. If you have a small fire in a rural town, you just go and put it out. A lot of volunteers cannot be bothered to ring

you up and tell you that they have had a fire. I understand that. The last thing that volunteers want is a bureaucracy saying that here is another form or to go to the computer to put in a report. We would love them to do so, but we do not have the capacity to join up 1 000 units across the state in a technical sense.

Mr M.J. COWPER: The minister recently announced a \$300 payment, I suppose it would be called, to volunteers. There has been some talk in the past of similar systems that occur in other parts of the world, such as honorariums for various people. For example, armed forces personnel get a tax relief when they are away bivouacking or whatever they do. You were speaking earlier about providing business plans and getting out there and acting as consultants to various private and business organisations. That would be no mean feat when we consider the size of the state and also getting people with the appropriate training. My other question is, how do you get a gentleman who has been the mainstay of a bushfire unit in the south west of Western Australia and who has been fighting with the chief of the fire brigade for 36 years to sit down at a computer and write out an emergency plan? There are many issues there. Do you see any future or any scope for that?

Mr Mitchell: I will cover the question of the \$300 for a start. The \$300 was a suggestion that the Minister for Emergency Services raised at a COAG meeting, and I think it a good suggestion. In a sense, it says that the state and local government do a lot of work to support volunteers. The view of the minister is that it is about time the commonwealth did something as well. Her view is that the commonwealth should offer a tax concession for volunteers, just like a work-related concession people can get for a work-related expense up to \$300 when people get paid to do a job. When people do a job as a volunteer, it would seem reasonable that the costs associated with that are tax deductible. I think that is sound. Obviously, the commonwealth government at the moment does not agree. The state ministers in this area of responsibility are continuing to discuss it, but the Attorney General has made it pretty clear that he does not support that issue.

On the other issue of getting people who have been around for a long time to do administration and computer plans and so on, my view is that you cannot force people to do those things. They are volunteers. They are out there doing their bit in the community to the best of their ability. We can try to make it as easy as possible for them, but to place any more onerous responsibility on them is really unacceptable to them and I think to us. That means we will have gaps in our information; we do have and we will. If we want to maintain volunteers, as we do and as you do, we must make things less onerous not more onerous. That is the real balance for us. I can tell you that the national training requirements of today, getting volunteers to train for national accreditation, as is required under public safety, ITABs and all sorts of stuff, is another burden that we have to struggle with with the 30 000 volunteers in this industry across the state. It is really hard and it is difficult for volunteers. Our view is that the less we have to impose on them the better. The more administration that we can take away from them the better. Unfortunately, there are certain requirements that must be conducted. It is a real balance.

The CHAIRMAN: We need to draw this hearing to a close. I thank you for your contribution to the inquiry. A transcript of the hearing will be forwarded to you for correction of typographical errors or transcription of fact. New material cannot be introduced and the sense of evidence cannot be altered. Should you wish to provide additional information or elaborate a particular point, you should submit a supplementary submission for the committee's consideration. If the transcript is not returned within 10 days from when you receive it, it will be deemed to be correct. Thank you, gentlemen.

Hearing concluded at 11.39 am
