

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION

SESSION ONE

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 19 OCTOBER 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

Meeting commenced at 9.45 am

WITTBBER, MR BRUCE HUMPHRIS,

Policy Manager Governance, Western Australian Local Government Association, examined:

SCHEGGIA, MR WAYNE FRANCIS,

Director Policy, Western Australian Local Government Association, examined:

The CHAIRMAN: Thank you for coming in. Before we start, I must read an official piece just so that everybody is aware of where we stand. The committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as a contempt of Parliament. Have you completed the "Details of Witness" form?

The Witnesses: Yes.

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

The Witnesses: Yes.

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

The Witnesses: Yes.

The CHAIRMAN: The committee has received your submission. Do you wish to propose any amendments to it?

Mr Scheggia: No, Chairman, we stand by the detail that is in the submission. We note that it is not an extensive submission at this point.

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

Mr Scheggia: Yes.

The CHAIRMAN: Do you wish to make any statement in addition to your submission?

Mr Scheggia: Not in addition to it necessarily, Mr Chairman, but just to reinforce, I think, that the association's view is that this is a significant issue and inquiry in relation to our rural membership. In our submission we encourage the committee not only to receive submissions from rural local governments, but also, if possible, to go into that rural environment to see first hand and take evidence within those environments, because we think that context is important to understand how councils might particularly respond to the terms of reference. The association has not responded in terms of a detailed position on each of the terms of reference. We acknowledge and respect the capacity of our individual members and their specific interest in these things in terms of the response to those issues, so we have not aggregated or tried to go for a common-denominator approach to the terms of reference; instead, we have tried to make our comments at a more strategic issue around the global issue of bush fire management. Then we have incorporated some very specific comments about concerns that have been notified to us, just to close our comment by again reinforcing the importance of the rural context and understanding where councils contact.

The CHAIRMAN: I understand that fully. Before we go on, now that I have completed the official bit by informing you of your rights as witnesses, may I also introduce Nicole, Melissa and Katherine Galvin. Katherine is the principal research officer with the committee. Nicole and

Melissa are policy officers with FESA whom we have seconded to assist us with this inquiry. They are actually part of Parliament now and responsible to Parliament for the duration of the inquiry. We just wanted to make sure that you know exactly who is in the room. Right on the end of the table is Nicole Burgess, who is research officer for the committee. We are wanting to make sure that we get the report done as quickly as possible. That is why we have asked for extra staff to assist us in that.

Just in response to your query about regional Western Australia, we are putting together a fairly extensive list of regional travel, down to Esperance and as far north as Kununurra, because it is pretty important. We also hope to take in some of the more remote areas of the state. We have not finalised the schedule of travel yet, but I think we will be undertaking it around June and July of next year. In regard to comparing ours with other jurisdictions, we will also be looking interstate, particularly in Queensland and New South Wales, so that we do get a fair benchmark to work against. Therefore, as regards your first concern about rural travel, we are certainly undertaking that.

Ms K. HODSON-THOMAS: One would assume, given local governments' responsibilities for brigades under the Bush Fires Act - I understand it is under section 41 - and that they have been involved in funding for some time, hence the situation currently faced in relation to disparity in resourcing bush fire brigades. What was the situation prior to ESL?

[9.50 am]

Mr Scheggia: I think I can certainly interpret that intent.

Ms K. HODSON-THOMAS: I am sorry; I have asked the wrong question. Judy, we will swap over. I might have confused the order of things.

Mr Scheggia: My understanding is that prior to the emergency services levy - ESL - funding was provided directly by local governments in their local circumstances, and a percentage levy was placed on insurance policies that created a funding pool for related expenditure. I will defer to Bruce on whether he has any experience of there being anything more extensive than that.

Mr Wittber: Thank you. The situation was that, in the non-permanent brigade areas, local government clearly had direct responsibility for managing and maintaining both the resources and finances of the brigades. Considerable support was given; it was not necessarily financial support, but certainly administrative, training and development support, which was given by FESA and its forerunner, the Bush Fires Board. From a capital cost viewpoint, each local government was required to raise its own funds for capital, but there was also some Lotterywest support for the program. In essence, the question revolves around local government being solely responsible for the resourcing of brigades prior to the ESL. I dare say that one or two councils around the state would now be saying that even with the ESL, they do not think things have changed that much, because they are not getting the level of funding that they believe they should get to accommodate their needs. The northern suburbs is one area in which the councils feel they need more support than has perhaps been made available through the process.

Mrs J. HUGHES: Do local governments consider that there is disparity between the amount of funding they were putting up to meet capital requirements and training and all those sorts of things? What do you think the differential is now? Do you have any understanding of the percentage of differential that they are experiencing?

Mr Wittber: No, I could not put a figure on it. We outlined an issue in the submission when we were talking about the ESL. You said you were going to Esperance, so I think you will get some more information when you are there. The Shire of Esperance is an example of a local government that says that when it was running its own system, it had a very comprehensive capital plant replacement program which now, under the ESL, I think is a 16-year program. Of course, greater emphasis is being placed by FESA on risk management and the risk, and perhaps rightly so. In

other words, why have a nice, bright \$275 000 fire unit in a place that might have only one fire a year? It is far more practical for those units to perhaps be in the outer metropolitan area or high-risk areas.

Mrs J. HUGHES: Is there capacity at the moment for local government to go to the state government and say that it is not meeting its requirements for capital equipment?

Mr Wittber: There is a capacity for local governments to put it in their annual submission, but at the end of the day there are only so many dollars to go around. If we are talking about bushfires, the bushfire grants capital committee has X dollars to deal with a very large project and program. When the ESL was being introduced, it would be fair to say that some local governments were supportive of it and others were not, because there was a feeling that they would lose some of their autonomy and capacity to properly fund it. It is reasonable to suggest that in some cases it has not met expectations, because there was a feeling that local governments would no longer have to fund any resources towards bushfires. That is not the case because there are budget constraints and what have you. If they want a higher level of service than is perhaps available through the ESL process, they will have to fund it themselves. To answer your question, in short, they can make submissions to government through FESA through the ESL operating and capital program, but in the end, unless the government will provide additional funds or increase funding to a level outside of what would be considered to be a reasonable amount, the funds will not be there.

The CHAIRMAN: Essentially, you are saying that local governments around the state believed that once the ESL was in place, the demand for them to provide funding to emergency services would be much reduced. Can you explain what has happened in many local governments? Once the ESL was put in place, the general public was of the opinion that the component in insurance would drop out, which has certainly happened. As far as I can remember, a report was prepared 12 months after the ESL was introduced and detailed that the component in insurance had been removed. Many local governments never dropped out the amount picked up through rates for emergency services. I will not say all - I know that mine certainly did not do that. What have local governments done with that money? They are now getting an ESL component through FESA, but they did not drop their rates in line with that. Is that not giving them - not sufficient, because I do not think it was ever sufficient - another income stream to fund emergency services within their local government boundaries?

Mr Scheggia: I think the answer is in your own comment about there never being enough. I refer you to the evidence in the federal government's Hawker inquiry, which found that as much as \$1 billion per annum nationwide is cost-shifted from other levels of government to local government. It can be argued that any capacity that the ESL freed up within the context of local government operations is quite severely accounted for in those other cost shifts - let alone any local decisions a council might take about improving or expanding its own service delivery. I am sure that the same is true of the state government. There is almost endless demand in terms of the public's desire for services and opportunities. That exists strongly at the local level. I do not think it was a realistic expectation of any commentator or observer of the process that there would be a reduction in the net cost of council administration and services to local residents. It created an opportunity for some expansion of, or greater contribution to, what is an exponentially growing list of local service demands.

[10.00 am]

The CHAIRMAN: I just needed to get that clear.

Mr Wittber: When I raised that same issue with my local government, instead of putting up our rates 5.5 per cent this year, we were able to retain them at 3.5 or 3 per cent. In the City of Melville's case, it was probably equivalent to only 1.5 to 2 per cent of the total rate. As Mr Scheggia said, clearly, they are using that money to fund a range of other services that may not have been able to be funded. That is the metropolitan area. The country area is totally different. It will

be invaluable when the committee visits those non-metropolitan areas to see exactly what they are doing. One very small example is that the shire ranger is operating half time dealing with fire management issues, not fire enforcement issues. The council is funding that. Under the operational aspects of the ESL, that is not funded, so council is still picking up that cost. They are the sorts of little things that should be noted. The other big one is fire hydrants. Committee members may be going to talk about that.

Mrs J. HUGHES: We will.

Mr Wittber: I will leave it until then.

The CHAIRMAN: At the start of your comments you said the expectations of local government do not seem to have been fulfilled. Is it a case of not being able to do everything in the first year and it will take a period of time in which to run it out, or is there a greater problem than that?

Mr Scheggia: Without sounding like an apologist for FESA, the reality is that a better system of funding has been established statewide in terms of the mechanism. As my colleague pointed out earlier, there has been a differing level of take-up and acceptance of responsibility for these issues at a local level depending on the local government area. In some circumstances councils have been very proactive and strongly involved in the local bushfire effort. Other councils have perhaps been far more reticent to be the key drivers and have stood back from that process. Therefore, there have been differing levels of commitment, funding, equipment and service depending on the location.

From a global perspective, FESA's challenge is to even out the effort across the state. What that means for each local council depends on the base it is coming from. In councils where the effort has been high, there is certainly a view that the ESL has not delivered; in fact, it may well have been detrimental to what they saw as their strategic effort. There is a perspective that some of those other local governments were not making such an effort or did not have the same capacity as some councils to make that effort. Their program has been accelerated and their service level probably expanded, so they stand to view the ESL from a different perspective. That makes it very difficult for the association to try to present some consensus perspective about the local government position on these operative issues.

Mrs J. HUGHES: Although you get consistency across the board as far as those sorts of things are concerned, you are not achieving equity in getting to that consistency?

Mr Scheggia: The dilemma for FESA is about achieving a statewide level of consistency. The counterargument might be that that level of consistency should be at the highest benchmark for the existing local government sector rather than some achievable common denominator between the two. Councils that were putting in the high effort perhaps could be of the view that the others should be brought up to their standard, but they should not be made to suffer detrimentally because of that. It goes back to the magnitude of the funds available. Everybody would acknowledge that within a reasonable tax effort, if we want to describe the ESL as that, it may be difficult to attain. If the state government has the view that that is a reasonable proposition to bring that effort up, where will it fund that from? In these days of significant government surpluses, using at least part of that surplus might be an appropriate spend.

Mrs J. HUGHES: When it comes to the funding of operational issues, which is what local governments will still be picking up, how does WALGA see its role in the AIMS program with the management systems and things like that? Does it have the view that FESA and the ESL should be picking up those sorts of costs, or should local government? How do they view that?

Mr Wittber: I do not think local government has a specific view, even though we were aware of the Auditor General's report where it was highlighted. WALGA has broadly accepted the Auditor General's report. The devil is always in the detail. If there is a system that enables a better handle to be given to risk management and those types of things, the association would be very supportive of implementing that. I would see that as an operational cost, and once it has been implemented, I

would see the initial cost being capital. If the system has to be rolled out, perhaps the training that comes as a consequence of that system could come out of special funding, but I would have thought that the ongoing maintenance of the system would have been part of the normal operational expenses.

Mr Scheggia: I think we would promote a position of reasonableness about those sorts of questions. There would be a view that everything that could be identified as an expenditure related to any type of emergency service should be funded by the levy, but that may not be a reasonable position to take. As Bruce highlighted, it is about identifying an appropriate start-up and establishment cost for a system that ought to be funded by the levy versus what is still a reasonable expectation of the councils in terms of their participation in and contribution to a system. We do not advocate a position of unreasonableness about that. It is a partnership between FESA and councils in making sure there is an appropriate delivery at the pointy end of this.

The CHAIRMAN: Does that not go towards the issue of self-responsibility? You are responsible for your own assets and your own area. The government, through FESA, is just a support mechanism, like any business. If I have a business, I take reasonable care to make sure that I have fire protection, first aid and any other equipment in place to make sure any of the hazards are taken care of. That is my responsibility as an owner of a business. Outside that, if I have a fire or an accident in a business, I expect the state government, through the fire brigade, to put that out and insurance to pick up the rest. Local governments still have a level of responsibility to make sure that their areas of responsibility are taken care of appropriately.

Mr Scheggia: That is the point we are trying to make about reasonableness. It is about having a clear understanding of where those boundaries are and at the same time making sure that a base level of capacity is established appropriately through the levy.

The CHAIRMAN: You commented that the perception of some local councils is that the ESL is skewed towards those local government authorities that, for whatever reason, have not supported brigades to an acceptable level. You argue that there is a shortfall in capital expenditure to get that process to an acceptable level. That is the comment you made a couple of minutes ago. Some governments did it really well and put a lot of money in, and they got to this standard. How do you police that? How do you work it out? Do you say, "You've been good so we'll keep you at this level"? Is there an argument that we should be putting pressure on those authorities that did not support it previously to come to the party?

[10.10 am]

Mr Scheggia: Mr Chairman, I think an awful lot of assumption goes into making a comment like that. Whilst a council might have been seen not to have supported its bush fire effort to the same extent as its neighbours or peers, it is understanding why that may be so. If it were assessed that it was purely political opportunism, there is a case for the council to argue about the establishment level of their service. If it goes to their actual ability to fund that effort, it probably would be an unreasonable assumption to think that there ought to be some increasing expectation of the council. Part of the thinking, again, of an emergency services levy was about removing that capacity problem at the local level so that you did not have that disparity based around their funding ability.

The CHAIRMAN: That is great; that is what I wanted to get clear. We were not suggesting that we should penalise those that did not do it before. I was clarifying the comment you made.

Mr Scheggia: Certainly.

Mr Wittber: I think, Chairman, those councils that are at the higher echelon do not want to feel penalised because they are doing a good job.

Mrs J. HUGHES: Moving away a little from the ESL issue and moving more to our volunteers: at the moment we have our professional brigades and our voluntary brigades with the possibility of a command structure coming into place. How do you think local governments will react to what the

relationship would be between our voluntary brigades under different command structures. Do you have any comment on that?

Mr Scheggia: Bruce, no doubt, will have his views on this. We were actually talking about this on the way here. On the one hand I note the Auditor General's comments about the volunteer structure and the possibility that it requires a greater Fire and Emergency Services Authority of Western Australia presence and overlay to the system. Whether that actually involves a direct responsibility and accountability to FESA by volunteer brigades or whether that is just manifested by an enhanced process of communications between authorities, I guess, might be a question. Local government has a very strong ownership of the volunteer effort at the local level in those circumstances. The concern might be that if local government's role is somehow replaced and served by a state authority, that that capacity for volunteerism might be affected within a local community. From our perspective, the council's perspective, that is what we would be primarily concerned about - how do you maintain the volunteer effort that is necessary to support the bush fire fighting process if you somehow distance the local government authorities from that volunteer effort? That is the question mark I would have without putting a strong perspective on the other issue about the merit of change. That is what you would need to address in some sort of process.

Mrs J. HUGHES: If FESA were to take over that role through the command structure, whoever it was, then, of course, we have the issue of the safety of the volunteers involved and being sent into areas by a different structure, according to the equipment they have and those sorts of things. Do you see a problem with feed through of responsibility - sending them to places where perhaps they may not be properly equipped - and where does that lie with volunteer safety? As we know, they are not all fitted out.

Mr Scheggia: Obviously, as you enunciated the question; yes, that is undeniably and indisputably problematic. The system would need to have those issues identified and addressed prior to implementation.

One does not imagine a command structure being developed that ignores the training, equipment or the capacity of the firefighters in directing towards a threat. Obviously, we put that on the table and you are obviously aware of it.

Mrs J. HUGHES: There would have to be an implementation stage for that.

Mr Scheggia: That would be critical. It would need to be clearly financed as to what would be gone through, and consultation would need to take place to make sure that there was actually support for having that process.

Mrs J. HUGHES: From the Western Australian Local Government Association's perspective, how would you see it? We have a considerable number of local governments involved. Do you see a problem with there being consensus on those types of issues, considering we have metropolitan and regional areas.

Mr Wittber: There will always be problems with consensus.

Mrs J. HUGHES: Do you see it as something that would be extremely difficult?

Mr Scheggia: I would proffer the view that it would depend on the solution that was offered:

Mrs J. HUGHES: Okay.

Mr Scheggia: If the solution was well considered, well resourced and appropriately informed to the average person, I guess one argues that a process around that should facilitate a consensus decision and it is agreed that if any of those elements are in deficit it will militate against a consensus decision. It really depends on the solution that is offered and how it is promoted.

Mr Wittber: Can I just make an observation: the relationship between local government and FESA is, I would suggest, at a very good level and certainly between WALGA and FESA it is extremely

high. If nothing else was achieved out of the ESL, it brought those two bodies together to solve a common problem. One of the difficulties that you get with the suggestions that you are making is that from time to time local government feels that they are being dictated to by a central office of FESA with a change that is made to a process without adequate consultation. I suppose it is the traditional scenario where there are people out in the field and perhaps the decisions are being made at a strategic level for a strategic purpose that is not then being properly communicated. So I suppose the essence of any implementation of change is about the manner in which it is communicated to the people who are involved. The question you asked relating to people going into different areas: many of the old-time bush fire people would tell you that their real skill is knowing the vagaries of the areas in which they have operated so effectively for, in some cases, 40 or 50 years. To put them into another set of circumstances, they may feel less than capable of responding effectively.

Mrs J. HUGHES: Under threat.

Mr Wittber: Yes.

The CHAIRMAN: I will follow that up and I think you will have a very similar answer to this question. Under the current legislative arrangements I understand local governments are empowered to establish and cancel the establishment of bush fire brigades without necessarily having to undertake a resource or risk management assessment of an area. As well as that, FESA is responsible for administering the ESL funding that would be used to fund the brigades. Given that FESA is currently conducting the resource to risk assessments of local government areas to determine funding requirements for the brigades, would it be appropriate to transfer the power for establishment and cancellation to FESA? What it comes down to is that each individual council says, "Right, we have got one there and we have another one there, but we have cut this one out", but FESA has to come in and fund it. It is a coordination.

Mr Scheggia: I would imagine, Chairman, you could certainly mount that argument. You might mount an argument equally that says because of those two authorities, what it demands is a very tight consultative communication process between the two bodies. Either scenario can deliver an outcome, but whether it will be effective on the ground depends on whether the predilection is to centralise or legislate for cooperation.

Mr Wittber: It gets back to the observation that local government as an industry is very wary of the removal of some of their autonomy and the ability for them to establish and dismiss, and all those sorts of things relating to brigades would be seen as a highly autonomous approach. Once again, as Wayne was saying, there is always opportunity to work these things through - a series of guidelines. I think that the ESL, and the operational manual that was developed as part of that process, has been an invaluable tool and, I think, it is certainly a model for going forward in the future for the way that local government can interact with organisations like FESA and get some guidelines.

The CHAIRMAN: Just on the "coordination between" issue; if we have a bush fire, or any disaster in a local government area in a state like Western Australia where we have 140 local governments, it has the opportunity to spread across a number of local government areas. It seems to me that if you have a number of fire officers or emergency managers in each local government area, how does the coordination work? At which point does Joondalup and Wanneroo say, "Hang on, it's going across these two areas; who has responsibility?" Joondalup and Wanneroo is probably not an appropriate example.

[10.20 am]

Mr Wittber: Joondalup and Wanneroo working together - is that what -

The CHAIRMAN: In a situation in which there is a small cluster of local governments, at what point does each local government take control? Does the Fire and Emergency Services Authority take control in that type of situation; how does it work?

Mrs J. HUGHES: Just adding to that, in the case of Joondalup and Wanneroo, for example - and Yanchep National Park and CALM - we start lowering the reach of local governments when other agencies are involved. That scenario based on two local governments is interesting.

Mr Wittber: Yes. FESA has been trying to develop a hand-over mechanism or protocol. Let us face it - CALM would expect to be in charge in some circumstances and Wanneroo and Joondalup in others. My experience has always been that the philosophy that has been used is that the originator local government tends to assume a level of control; however, if there are more experienced people on the ground in a different locality, it becomes a problematic issue. Certainly, the association does not have a ready answer to that question. That would be a good question to pose to some of our local governments such as Brookton, which has been in the news recently. I cannot tell you what happened in Brookton, but that would be an interesting question to pose to professionals on the ground.

The CHAIRMAN: Let us move on a bit. We have noted your concern about the lack of progress on the delivery of the bush fire vehicle replacement program to local governments as funded by the ESL. How many new or refurbished bush fire vehicles were put into the system in the last financial year? Are any registered bush fire brigades currently operating with substandard vehicles or equipment, particularly in terms of occupational health and safety?

Mr Wittber: The short answer is no. I cannot respond to any of that. I cannot quote statistically. I believe that in some of its publications FESA previously enunciated the number of vehicles it has funded and serviced. However, the association itself has not documented the maintenance status and level of compliance of an individual brigade's equipment. Again, that is a question that the committee might like to pose directly to local governments as it moves around the state. Perhaps that is a question to which FESA can respond.

The CHAIRMAN: I was trying to find out whether anybody is at risk because they do not have up-to-date and properly equipped vehicles.

Mr Scheggia: An anecdotal response would suggest that there is. Certainly, in the position that we are putting forward today, some councils are in a state of "catch up" under the funding arrangements of the ESL. There is a long-term program of catch up. By implication, one would have to draw the conclusion that some equipment or vehicles that are not of a desirable standard are in desperate need of replacement and perhaps overdue for that.

Mr Wittber: There is comment about this in the submission. Certainly, the question that has been posed is the specification standards. It is pleasing that FESA responded very quickly to that and is progressing some of those concerns. Hopefully, that will reduce some of the capital that will be required and, at the same time, give a more appropriate vehicle to the services that are being delivered on the ground.

Mrs J. HUGHES: In your submission, paragraph 2 of recommendation 2 refers to the emergency services levy and additional funding from consolidated revenue. Was that recommendation made without necessarily knowing what the cost will be to the state? Is it just an observation?

Mr Wittber: It is an observation. What we are suggesting is that there must be a catch up on the significant backlog. As has been talked about earlier, some councils will receive a less than satisfactory level of support because of the poor performance of other councils and agencies in the past. What we are suggesting is that perhaps over a two or three-year period, there should be an injection of funds from consolidated revenue on top of the ESL to try to do a bit of catching up.

Mrs J. HUGHES: A survey to actually establish what the needs are and to get that funding out as quickly as possible and then move into the proper -

Mr Wittber: I think FESA would have a reasonable handle on the changeover period of the vehicles, plant and equipment that it has on its books. I think you would agree that a 16-year capital program is very significant. If you were in a local government and you were replacing your trucks on a 16-year basis, you would be -

Mrs J. HUGHES: A little concerned.

Mr Wittber: Having said that, one of the things that will be done more effectively with FESA's involvement is that a vehicle from one council will be taken away and refurbished and provided to another council so that the high-risk areas are given the better standard of vehicle. Without any disrespect to the lower-risk areas, they will receive refurbished vehicles. As I discovered in my discussions with FESA, one of the other problems is that it had difficulties finding people to build and refurbish some of the equipment. That is an issue in itself.

Ms K. HODSON-THOMAS: The question I want to ask may not be relevant in terms of your role at WALGA. It is my understanding that you are suggesting that FESA has an asset register of all of its plant and equipment across the state and that WALGA would have an understanding of the other vehicles that are on the ground. Is that correct?

Mr Scheggia: No; not in a quantifiable context. It is not something that would be beyond our capability to establish. However, we do not have a documented inventory of that within the association. It is within each local government's -

Ms K. HODSON-THOMAS: Our role when talking to local governments would be to establish that. FESA should certainly have a clear understanding of what is out there.

Mr Wittber: It is my understanding that when the ESL was introduced and during the first round of submissions for the capital program, councils were required to list their plant, equipment and buildings. Although we are focused on plant and equipment, we must consider buildings. I recall that one of the initial projects was for councils to list plant and equipment they had on their asset register that was related to fire control, time and age. I do not know whether they had to consider value because it would be hard to value something that was 27 or 28 years old. I think that was done when the ESL was introduced. I would have thought that FESA would have a reasonable handle on it. Certainly, in the case of the Shire of Esperance, it was able to respond in significant detail about the age of its fleet. I would have thought that it would have that information.

[10.30 am]

The CHAIRMAN: Can we do fire hydrants? I am very aware that we have focused on bushfires. It is not just about bushfires; it is all legislation. We will deal with hydrants first and spend a few minutes at the end on any other emergency services that we need to talk about, such as marine rescue, SES or whatever. Will you again go through your submission on fire hydrants so that we can understand that?

Mr Wittber: Yes. There are two issues with fire hydrants: one concerns hydrants in career or permanent brigade areas and the other concerns hydrants outside permanent brigade areas. We believe that section 54 is simply an anomaly. It was not of any concern to us until a couple of years ago when the Water Corporation discovered that it had not been charging anybody for the reinstatement and so councils finished up with - I will not say significant - unexpected bills for it. When we tracked it back, we believed that it should be funded by the emergency services levy and therefore should be managed at a FESA level completely and the local government should be pulled out of it. The interesting thing is that the councils would get an account and ask what it was for. The Water Corporation would fix a fire hydrant and all of a sudden the council would pay a portion of it and FESA would pay a portion of it. The issue of fire hydrants in permanent brigade areas needs to be clearly streamlined and made consistent.

The CHAIRMAN: Throughout the metropolitan area and the regional towns of Bunbury and Geraldton, there are what has been termed career firefighters or permanents. From FESA's point of view, do the firefighters themselves not maintain the fire hydrants?

Mr Wittber: Yes.

The CHAIRMAN: At what point does the Water Corporation come in?

Mr Wittber: If one needs to be repaired, there are probably three levels of maintenance. The first is making sure that they work - an inspection process. The second is that if they are not working, they are the responsibility of the Water Corporation, because it is the Water Corporation's main that is being tapped into. Then if the hydrant has to be dug up, the council funds the cost of reinstating what has been dug up.

The CHAIRMAN: If there is damage to a fire hydrant on a water main, the council digs it up -

Mr Wittber: No; the council knows nothing about it.

The CHAIRMAN: Okay; the Water Corporation digs it up -

Mr Wittber: Somebody digs it up, yes.

The CHAIRMAN: - replaces it, repairs it or whatever. You are then sent the bill -

Mr Wittber: No, FESA is sent the bill for the water pipe part of it and the local government is sent the bill for the works on the road.

The CHAIRMAN: What is wrong with that? I think that works fine!

Mr Wittber: Is that some Irish logic?

The CHAIRMAN: The more complex it is, the easier it is to lose it in the system.

Mr Wittber: That is what happened obviously.

The CHAIRMAN: There are hydrants outside those areas with volunteer brigades - I presume small towns such as Nannup or somewhere like that; I am not sure whether it has permanent or volunteer -

Mr Wittber: No, it does not.

The CHAIRMAN: Who would maintain or inspect -

Mr Wittber: That is probably part two of the issue. In respect of the permanent brigades, it really is a matter of saying, "Let's have a little commonsense about this. A hydrant is a hydrant." The emergency services levy is there and one would suggest that the ESL should be responsible for meeting the cost of it. Who organises it, does it and those sorts of things is another question, but I would have thought that it would be a FESA responsibility. FESA has recently discussed with the association, and has association support for, the introduction of a different method of allowing non-fire usage of hydrants. Obviously it can talk to you about that, but I think that will assist in dealing with the number of hydrants that have been damaged or will be damaged. Getting to the second part, in the non-metropolitan or non-permanent brigade areas, local government is responsible for the capital cost and the full maintenance. I think the cost of water that is consumed can be claimed as part of operating costs under the ESL. However, I understand that both the capital and the operating costs of it, beyond the consumption, are the responsibility of the local government.

Mrs J. HUGHES: When we talk about non-permanent brigades, there are fringes of the metropolitan area that have non-permanent brigades.

Mr Wittber: Correct.

Mrs J. HUGHES: They are paying ESLs to their local governments.

Mr Wittber: At level 2 or 3 I would have thought.

Mrs J. HUGHES: However, those hydrants do not fall under the permanent brigade, obviously.

Mr Wittber: No.

Mrs J. HUGHES: The local government would be totally responsible.

Mr Wittber: Yes. When the ESL was introduced, it came out in a blaze of glory: the ESL will now cover the expenses of fire and emergency management issues. That is how it was sold to the community. There are something like 50 000 hydrants around the state that are not funded, and that is where councils start to get a little thingy that the ESL is funding fire services, but in the case of the Shire of Nannup, it does not fund that. All we are looking for is some consistency of approach. We acknowledge that we will not be able to do that on day one, but we think there should be a progressive way of assisting local governments - even if there were some subsidy towards it or something of that nature. Although it might seem on the surface a very insignificant issue, for all local governments it is the epitome of what they do not get out of the ESL.

The CHAIRMAN: Can we turn now to other services, such as the SES, marine rescue and those types of services? Do you have particular concerns with the legislation and how it operates?

Mr Wittber: We have no comment on marine rescue, because we have no dealings at a local government association level. As an association, we were very active in the consultation on the emergency management legislation, with the exception of a couple of areas that we most probably were never going to win. I am talking about funding I suppose. We were comfortable with the outcome of the legislation. If I talk about local government and the SES, local government, because of the changes to the funding arrangements, are now more cognisant of the role of the State Emergency Service. With incidents such as tsunamis, acts of terrorism and those sorts of things, local governments see themselves playing a more important role within the SES. The SES has traditionally been left to its own devices because it has been funded in a totally different way. Local governments have given it subsidies, but it has not been fully funded. Local governments, therefore, do not have knowledge of the fully funded arrangements. I do not have any specific comments about the SES, but I think the emergency management legislation will crystallise a lot of the thinking. We do not agree with it all, but we can live with what has been achieved so far.

The CHAIRMAN: Thank you both for coming in this morning. Thank you for your insights. No doubt you will keep a close eye on where we are going with this inquiry. We will see you again. We will see all the local governments that wish to talk to us in the near future.

Hearing concluded at 10.40 am
