

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION

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

SESSION TWO

Members

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

Hearing commenced at 10.33 am**BOWEN, MR SIMON****Manager, Community Safety, Shire of Mundaring, examined -**

The CHAIRMAN: As an introduction, I should say that this committee has been around the state talking to every man and his dog about this inquiry. You are the last witness. What you say today carries the whole inquiry!

Mr Bowen: Well, that will be brief!

The CHAIRMAN: 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 the "Details of Witness" form?

Mr Bowen: Yes.

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

Mr Bowen: Yes.

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

Mr Bowen: Yes.

The CHAIRMAN: We have received your submission. Do you wish to propose any amendment to it?

Mr Bowen: No, just an addition, which I will speak to later.

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

Mr Bowen: Yes.

The CHAIRMAN: Before I ask any questions I give you the opportunity to make a statement and to add anything to your submission.

Mr Bowen: Only in relation to the Bush Fires Act. When we went through the Bush Fires Act and all the other pieces of legislation, one thing that came to our notice was section 48 of the Bush Fires Act, which now allows for a local government to delegate to its chief executive officer any of the powers of that act. There is no provision in that particular piece of legislation to on-delegate; that is, to allow the CEO to delegate further down the line to executive managers or directors. We would like to see that occur. We currently have a new chief executive officer who believes - we agree - that service managers should manage their particular services. If it is not a matter relevant for council, he would like to see - we agree - that the provision appears so that instead of him just signing letters that we comply with as part of the Bush Fires Act, it is on-delegated to ourselves further down the line to executive directors and managers so that it alleviates the workload.

The CHAIRMAN: You would be talking about letters out in regard to fire breaks, etc?

Mr Bowen: Letters about fire breaks and letters acknowledging that certain people have been moved to certain positions within bushfire brigades, such as captains and lieutenants. Currently, our CEO is to sign all those letters. We have 10 brigades. There are 40-odd letters that go out. We see the relevance of not loading him up with that particular duty. If there were a matter that we

thought the council or the chief executive officer would have to deal with, we would obviously refer that to him or seek his advice first.

Mr S.R. HILL: Could you give me a brief overview of your local government area in terms of emergency services; what are the high-risk emergencies in the area, for example, bushfires, cyclones or flooding; and what types of brigades and units do you have operating within the Shire of Mundaring?

Mr Bowen: The Shire of Mundaring is 644 square kilometres. It sits in the east of the metropolitan region. We are the highest-risk bush fire area in the metropolitan region, which is mainly because we have a very large contingent of Water Corporation water catchment areas and CALM state forest. Due to our geographic layout we are deemed by FESA and ourselves as the highest risk for the metropolitan area. Obviously, in relation to emergency risk management, bushfires are our number one issue. Along with that we have identified that, in the case of Mundaring Weir breaking, dam burst is a major issue. Along with that we have the major transport route from west to east. Plutonium and a number of other items are going up and down those roads every day. If we had a major traffic accident, that could be a problem for us. Aircraft travel over the top of the shire every day. Aircraft accidents are a threat to us. For some reason we suffer a great deal of storm damage when rains come in from the ocean and so forth. For some reason, Mundaring appears to be in that pattern. If there is damage, we either get a lot of damage or the majority of rainfall that falls. Those are our major risks at this particular time.

Mr S.R. HILL: You said that you had 10 volunteer bushfire units.

Mr Bowen: There are actually nine now. We just deregistered one. We have nine volunteer bushfire brigades. Of those nine, three are dual registered with FESA. They are Parkerville, Mount Helena and Darlington. We have a dual responsibility where they attend structural fires as well as bushfires. The Mundaring volunteer fire and rescue service also attends road rescue. That is the only brigade within the shire that attends road rescue.

The CHAIRMAN: You have nine plus fire and rescue, or is that part of -

Mr Bowen: No, that is part of them. The Parkerville, Darlington and Mundaring ones are dual registered. However, we deregistered the Mundaring volunteer bushfire brigade part last month. We simply have a FESA unit standing by itself but it sits within our brigades. We have no control over that brigade.

Mr S.R. HILL: Why was that unit deregistered? Was it due to a lack of volunteers?

Mr Bowen: No. It was a number of issues that had gone on for a long time. We are currently building a co-location centre. The brigade did not want to move into that particular facility. They did a lot of protesting and writing to ministers and members of Parliament. They thought that their response times would be cut down. We proved that particular fact wrong. They got to the point where they resigned their positions as fire control officers for the volunteer bushfire brigade. They wrote us a letter saying that they did not have anybody who could fulfil that position. At that particular time council deemed that, if that were the case, we did not know how the brigade would operate. We entered into discussions with them but they did not want to come to the table so we had no choice but to deregister them.

The CHAIRMAN: The coroner and the Auditor General both expressed concern at the current fire control arrangements in Western Australia. Both have criticised the fact that local government, CALM and FESA could all be in control of a fire at the same time, particularly when the fire is crossing different land tenures. It has been suggested that FESA be empowered to take control of a fire from local government or CALM when FESA considers this to be necessary. It is anticipated that the power will only ever need to be used two to three times a year. CALM and some local governments oppose FESA being given this power. What is your view on that?

Mr Bowen: We currently have a memorandum of understanding with FESA. That allows for that to occur. Our community fire manager is a FESA officer. We were the first in the state to take on a community fire manager as a FESA officer. That changed when the legislation changed. We find that it works well for us in that if it gets to a level 3 fire, the FESA officer - our officer - can hand the fire over to a senior FESA officer who will come up. The advantage we find is that being a FESA officer he has direct contact with FESA resources. If a large fire occurs within our particular boundaries, as it escalates he is already in control and in contact with the district manager or the director for that particular area. Usually, because of our arrangement, the district manager will come up to the fire anyway. That is the protocol we have; that was signed off. In a way, FESA takes over or FESA is in control from the start. The issue we probably have - it is out of our control - is CALM. CALM has a strong body of its own. We obviously deal with CALM because of the land that is in our area. CALM fights their fires very well, but whether they would wish to hand over to FESA would be a different matter.

Mr S.R. HILL: Is the officer paid for by the state? Does he report directly back to FESA or to your chief executive officer?

Mr Bowen: We just changed our reporting protocol. It was an interesting process because he is a FESA officer but he is under my control. We did have some management issues as to lines of reporting and protocols. We have just revised that so he now works direct to FESA. The shire is more his client rather than his boss, even though we pay half his wage.

Mr S.R. HILL: You pay half of it?

Mr Bowen: We pay half his wage under the MOU and we provide a vehicle for him to use. We purchase the vehicle and we pay half his wage. He works mainly under FESA and we are his clients. We found that arrangement is better because FESA is actually managing him to make sure that our requests are actually achieved.

The CHAIRMAN: Is that fairly unique in the state? Is that a process?

Mr Bowen: That is basically across the state. Some local governments will not take on a community fire manager; they looked at that particular role and deemed that they do not want one. A number of local governments have taken on a community fire manager who is a FESA officer.

[10.45 am]

Mr S.R. HILL: Currently the Bush Fires Act empowers local government to order private land owners to install fire breaks. That is particularly so in my neighbourhood in the mid west. However, this provision does not apply to state government-owned land. Should the act bind the Crown so the state government is bound by the same provision as private land owners? I think you mentioned that in relation to the Water Corporation and, probably, CALM.

Mr Bowen: We have had ongoing discussions with government agencies. We find that if we write to government agencies, for instance Main Roads, Main Roads has a policy that in certain areas along the main road boundary it will look after the first six inches beyond the end of the road, which is basically the kerbing, even though on the title the road is actually under Main Roads. Some agencies are very good and say, "Yes, you get a contractor to do that work and we will pay you for that." Other government agencies have said, "No, it is in your area, you look after it." Even though we have infringed them, obviously they do not pay the infringement and we do not proceed with it any further. We think they should be responsible for their land if it is under their title and it is not under our care or management. We believe they should be held accountable and should make arrangements to get that work done. DOLA, now the DPI, had an officer - I do not think he is there any more - who was very good in coming out and liaising with local government. He knew all the reserves. We have so many different reserves within the shire that are owned by other agencies. He was very good at getting the job done. Currently, DPI is looked after by FESA as far as getting the work done is concerned. Some local governments just do not have the time to look at unclaimed

crown land - UCL they call it. They do not have the time to allow an officer to look at all these pieces of land. Although FESA has this land to look after, not much is being done in relation to it by FESA officers. It does not have the staff to do it.

Mr A.P. O’GORMAN: FESA has suggested that it be empowered to request the development of fire management plans from land owners when the land is either CALM managed or plantation, or used for pasture or grazing purposes. It may or may not apply to you in Mundaring. The fire management plan would be requested only if FESA considered this to be necessary to mitigate the risk of fire to life and property; for instance, an area of high risk where CALM land abuts private land or where a eucalypt plantation is located near a housing development. Do you have a view on this?

Mr Bowen: I know Kevin Pollack from CALM quite well. CALM is very good at mapping and managing the way that it looks after its reserves. CALM looks at the large areas, especially those that do not have abutting residential properties. But it is now making a move to come into our boundaries and consult heavily with us and say, “We believe this is a particular risk; it is abutting residential properties and we want to burn it.” CALM is certainly pro-active in that area. I suppose the easy answer is that I do not think there is a problem with saying to any agency that if there is a threat it should be doing something about it. If that means the agency gives us a fire management plan, so be it. Each agency should have a fire management plan. We have one for our whole region, so you would think CALM would have one in whatever format. That is probably the biggest question: What sort of format would you require?

Mr A.P. O’GORMAN: I think you mentioned Main Roads earlier. Do you want to elaborate on how Main Roads copes, because it has huge tracts of land that are probably not very wide in most areas?

Mr Bowen: Again, Main Roads tends to ignore its responsibility. I have been in this position for six years and Main Roads has done that for six years. Sometimes we found Main Roads had delegated property to the shire without letting us know, basically saying, “We look after the six inches and everything else is yours to the property boundaries.”

Mr A.P. O’GORMAN: So Main Roads’ reserve is the width of the road plus, say, 20 metres each side, for argument’s sake. But it is saying it does only the bitumen plus the kerb.

Mr Bowen: Basically it works out that way.

Mr A.P. O’GORMAN: Which is not a fire risk.

Mr Bowen: No, of course not. I can understand that point of view because the manager we were dealing with would have the road from here to Northam to look after, type of thing, and it is a major area. When you are coming down Greenmount hill and there is six feet of wild oats, we would obviously have a major smoke and fire hazard if it went up. Somebody has to do something about it and local government has only so many resources. I think it would be good for government agencies to take responsibility for looking after their own land.

Mr A.P. O’GORMAN: Can I just push this a little bit further? If main roads go through your area and management is required, whether that is slashing at the side of the road or whatever, how would it work for local government with its narrower road reserves? You would be compelled as well.

Mr Bowen: That is the point. I am all for standing up and taking responsibility for our own area. We have a policy, not written, that we try to promote, of householders not only looking after their property but also the area to the verge. On numerous occasions we have people ringing up saying, “Can you please get someone to come down and slash the verge along the road because it is a fire hazard?” The shire’s view is that it will do the main areas, but obviously not every verge that is not a traffic hazard or a problem for pedestrians. It is sometimes more a visual issue. We do not do that. I would like to see us somehow do that. Obviously you cannot do every verge just as we cannot do every reserve within the shire. Some of our reserves sit right in the middle of CALM’s

land, so we do not address those issues. If we are going to ask other people to do it, we should step up and take responsibility ourselves.

Mr S.R. HILL: Under the current ESL arrangements, local government must complete an ESL submission on behalf of the SES unit in the local government area. Is it necessary for local government to perform this role, given that FESA ultimately decides how much of the ESL grant funding to allocate to the SES unit? Would it be more appropriate for the SES unit to deal directly with FESA instead of coming through the shire, which then forwards the request?

Mr Bowen: I will give a bit of history about our shire. I have done the ESL submission since it came in and you are exactly right. We do an application and it goes to FESA's head office and then it goes to the district officers. They have a look at it and it goes back and then we make a decision. We get the allocation for our funds. We sat down with FESA's financial people and the directors and said, "Why do we go through this process for bushfire brigades and SES when in fact you are giving us the money and we are acquitting it back to you? Why doesn't FESA manage the whole process? Why, for instance, doesn't the community fire manager, being a FESA officer, prepare the ESL and then either he or FESA's district office - because there is a bushfire district manager there - look after the expenditure of the funds? Therefore, you can control it and manage and monitor it." At times they do not do that. We have an SES unit and it makes a submission to us, and it does it very well. We include that in our application. FESA's financial people thought it was a great idea but it balked at the question of who was going to do it. FESA suddenly said, "On, hang on, we've got too much work to do. We don't have the managers to do it." Personally, I believe it means you have to take a step up. It means certain district managers would have to take a step up and say -

Mr S.R. HILL: Maybe FESA should be providing more support to the secretaries and the volunteers at these groups so they can submit the application with confidence instead of going through you or the shire?

Mr Bowen: Yes. I have done it and I must admit that with the first one we had to go out and do a review of all the brigades, and check all the vehicles' compliance plates, registrations, odometers, the whole works. We had to do an audit of every brigade. The process now is pretty straightforward. We look at our expenditure, the CPI, what is expected in the next financial year and then in a way you make the best guesstimation. We have been right every year and we have not overspent in any year. The SES usually sends us the forms; the SES knows how to do it. Lin Booth, the manager, is very good. It is pretty straightforward for the SES. I know there is talk of legislation in relation to local governments handing volunteer brigades back to FESA. If that is to occur, there is no reason why FESA should not look after the ESL. Our co-location centre will contain the Mundaring Fire and Rescue, which is FESA's brigade, and also the SES and our Darling Range communications brigade. So FESA already has two of our brigades in there that are part of the ESL. It is FESA's building.

Mr S.R. HILL: It makes sense.

Mr Bowen: Yes. Apart from category 1, which is really the brigades' wish list for certain things such as radios, the rest is set because there is maintenance, taxes and rates and so on.

Mr A.P. O'GORMAN: The ESL was introduced in 2001. Do you want to discuss the impact of that in your local government area? Has it improved things?

Mr Bowen: It certainly has improved. Prior to the introduction of the ESL, the Shire of Mundaring had developed a 15-year replacement program. At that time we had 10 brigades. We had 3.4 heavy tankers and the rest were light tankers, or fast attacks as they used to be called. Every two years we replaced the backs on most of those vehicles. We kept the chassis but we would take the pumps and everything else off. Some would get new pumps and some would get new vehicles, because they do perhaps only 2 000 to 3 000 kilometres a year. We started changing them over. The backs certainly got changed over. We started looking at changing the heavy tankers every eight years.

The shire faced a major financial impact on its reserve fund at the time because of the rolling program changing everything over. When the ESL came in we had an agreed fleet changeover and that worked very well. We saved hundreds of thousands of dollars for local government. Additionally there was protective clothing. I think because the ESL has come along FESA has introduced a number of new SOPs for its officers. The shire accepts its SOPs as best practice. In the old days people wore the gold overalls; then they went to two-piece and one-piece PPEs. The council agreed to go along with that. Prior to the ESL we spent another \$30 000-odd. Now we can obviously fund that replacement program. Obviously there is now much less financial impact as far as the shire is concerned in relation to the cost of our buildings, vehicles, fuel and everything else that is associated with running the brigades.

Mr S.R. HILL: Fire hydrants are an issue, particularly in the City of Geraldton. I do not know whether there are any issues with the old Mundaring town site, but under the current system FESA pays for the installation, removal and maintenance of fire hydrants in gazetted fire districts. Local government pays for the cost of reinstating the pavements. Outside gazetted fire districts, local government pays for the lot. The committee notes that in other states the water body is responsible for the installation and maintenance of fire hydrants. I am keen to get the shire's view on this issue.

Mr Bowen: They are actually the Water Corporation's hydrants so we have asked why we are responsible for replacing them. What usually happens is that FESA has an SOP that says you do not crack hydrants because of the pressure; people can be injured. Every now and then there is a faulty fire hydrant and the Water Corporation fixes it and then bills us. This practice has gone on for some time. We have 312 hydrants outside Mundaring. Mundaring Fire and Rescue has its own gazetted area within the Mundaring town site and FESA looks after those hydrants. Outside that area we have 312 hydrants throughout our fire district. We did a complete review last year of every hydrant. We found some that were buried -

Mr S.R. HILL: The shire undertook that?

Mr Bowen: We undertook it physically with the help of brigade members and we re-plotted them on a geographic information system and identified which ones were not working. Thirty-three were not working or were leaking. They had some malfunction. We implemented a program, which has cost us about \$35 000, to fix all those hydrants, and we have done that. Local government has borne that cost. On top of that we have allocated \$25 000 this financial year to address problems if they start leaking again or somebody puts a driveway over the top of one, or they have to be lifted. Local government is wearing that. They are the Water Corporation's hydrants.

[11.00 am]

The local government is wearing that cost. They are the Water Corporation's hydrants. To install these hydrants, we go to Swan Water Services, which is part of the Water Corporation. We meet representatives on site and they provide us with a report that indicates whether we can install a hydrant in a certain area. We are installing hydrants in subdivisions as they are being developed, but we are wearing that cost. It is interesting that they are the Water Corporation's hydrants, but we are paying for them.

The CHAIRMAN: In a new subdivision, would not the developer wear the costs?

Mr Bowen: We make it a requirement of the subdivision that the developer will install the hydrants. What happens is that on one side is the new subdivision and on the other side is the town site and in the middle there is an area in which hydrants should be installed. This will link up the two areas if something goes wrong with that particular line. We have five precincts on the way and will have to install further hydrants to accommodate what the developer has not installed.

In areas in which we are not installing hydrants a lot of the development is, obviously, the installation of large water tanks. We still foot the bill for those hydrants. I can understand that if we were to request additional hydrants, we would have to come to some arrangement because the

Water Corporation would, at some stage, have to fix them and maintain them. If we are going to install them and pay for that, then some agreement should be reached so that we have something that says that the Water Corporation will maintain these hydrants and the shire will pay a small fee to install additional ones.

The CHAIRMAN: We have just asked our last question. We will give you the opportunity to speak on any matters that the committee has not raised.

Mr Bowen: You have my submission. The only other addition I have relates to section 48, which deals with delegation of power.

The CHAIRMAN: I will read some closing comments.

Thank you for coming in this morning and giving us the benefit of your experience. A transcript of the hearing will be forwarded to you for correction of typographical errors or errors of transcription or fact. New material cannot be introduced in the sense that the evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, you should submit a supplementary submission for the committee's consideration. If the transcript is not returned within 10 days of receipt, it will be deemed to be correct. Because you are the last witness to this inquiry, the sooner we get it back the better.

Mr Bowen: I will make it a priority.

Hearing concluded at 11.03 pm
