

**COMMUNITY DEVELOPMENT AND JUSTICE
STANDING COMMITTEE**

INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 16 NOVEMBER 2005**

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**

Co-opted Member

Mr P.D. Omodei

Hearing commenced at 10.54 am

O'CALLAGHAN, MR KARL
Commissioner of Police,
2 Adelaide Terrace, Perth, examined:

DAWSON, MR CHRISTOPHER JOHN
Deputy Commissioner of Police,
2 Adelaide Terrace, Perth, examined:

EASON, MR ALAN
Emergency Operations Unit,
Maylands Police Complex, examined:

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 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 witnesses briefing sheet regarding evidence before parliamentary committees?

The Witnesses: Yes.

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

Mr O'Callaghan: No, we do not.

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

Mr O'Callaghan: Yes, it is.

The CHAIRMAN: Before we ask any questions, do you wish to make any statement in addition to your submission?

Mr O'Callaghan: No, not really. In my capacity as chairperson of the State Emergency Management Committee, my main focus is to make sure that we provide clarity and assurance that all emergencies are coordinated properly and that the community of Western Australia is kept as safe as possible during those emergencies. That is really the only statement we want to make before you ask us questions.

The CHAIRMAN: In your submission, you recommend that the three existing emergency services acts be consolidated into one act, to improve the effectiveness of emergency services in Western Australia. Currently, the role of the Police Service is not covered under emergency services legislation. Should the new act provide for the role of police in relation to emergency services?

Mr O'Callaghan: Yes, I think it should. Sergeant Eason will expand on that a bit.

Mr Eason: There is probably not a lot more I wish to say about that. Are you talking about the new Emergency Management Act?

The CHAIRMAN: I was talking about the three acts currently in existence. You have recommended merging them into one act.

Mr Eason: Are you referring to the Fire and Emergency Services Authority of Western Australia Act 1998, the Bush Fires Act 1954 and the Fire Brigades Act 1942?

The CHAIRMAN: Yes.

Mr Eason: We have suggested that. I do not think we have made any comment in our submission about incorporating the Police Service into any consolidated act. I really have no comment to make about that aspect.

Mr Dawson: The new Emergency Management Act provides sufficient clarity about the role of the police in the coordination and management of emergencies. The submission put forward by the Western Australia Police Service about the consolidation of these three pieces of legislation relates to fire, and the emergency response to fighting fires, as opposed to police involvement.

Mr M.J. COWPER: Commissioner, are you comfortable with the lead combat roles of which the police have control? Are there some you would like to gain, or some you would prefer to shed? Are you happy with your lead combat role?

Mr O'Callaghan: We have six listed here: air transport emergency, land search and rescue, nuclear powered warships, road transport emergencies, sea search and rescue and space re-entry debris. I think we are comfortable with that, and we would not want to extend that at all.

Mr M.J. COWPER: Or lose any?

Mr O'Callaghan: Or lose any.

Mr M.J. COWPER: Okay; so you are happy with that. Thank you.

Mr P.D. OMODEI: In regard to the part of your submission about the one agency, where do you see CALM fitting into the picture, given that CALM manages land for biodiversity and other reasons, and undertakes reduction burning. It has expertise in that area, and a very large, well-trained work force. It has knowledge of regional areas, particularly in the south west, where it is probably better resourced than in other parts of the state. Where do you see CALM in the overall picture, given its land management responsibilities?

Mr O'Callaghan: I do not think we are proposing a solution about where we see CALM fitting. The concern we have, as expressed in the document, is more one of coordination - how best to coordinate when there are three different HMAs responsible for fire. It is complicated, but we are not proposing a solution. We are suggesting that a consolidation of the whole thing should be considered, so that people are clear about exactly who is responsible. I think, at the moment, the view is that people are not clear about who is responsible.

Mr P.D. OMODEI: At the same time, given the AIMS incident control system, that seemed to work reasonably well in the hills fire.

Mr O'Callaghan: Yes, it did.

Mr P.D. OMODEI: Obviously, FESA will be the dominant emergency services body under the new legislation, and ideally it would be great to have one organisation controlling fire all the way down the track, but there is this complexity, as you have mentioned, and I have pointed out CALM's fire management aspects. The legislation will have to be drafted very carefully to make sure there are no problems. From a whole-of-government point of view, and from a safety point of view, decisions on who is in charge need to be made very early in the process, and question marks

about when the lead responsibility changes in a fire need to be very clearly defined as well. I would like your comments on that. You can get a fire that would run over several different jurisdictions, and therefore should there be a change in the management, or should it remain with the first lead agency that is given the job?

Mr Dawson: In response to that, I refer the committee to part 3 of our submission. The last dot point on that page discusses this issue about a balance between the community-centred emergency management agencies. However, we are of the view that there is a lessening of this clarity in the control of major emergencies. The Commissioner of Police has already said that, whether or not CALM is the initial respondent to a fire, if it escalates to the point at which it becomes unmanageable by a particular authority, our view is that the legislation should be quite clear about who has primacy in terms of a lead HMA for the fire. While that is unclear, there will be a degree of patch protection, and the legislation could assist in providing that clarity where fires escalate out of control.

The CHAIRMAN: Currently we have 124 different agencies, being local governments, CALM and FESA. Who do you see as the logical lead agency? Do you see a particular agency that would be most logical? Can it be narrowed down to one?

Mr O'Callaghan: I do not know. I think it very much depends on the situation. The experience that we describe here at page 15 is of the Tenterden fires. At what stage does it become a situation that needs to be taken out of one authority and put in the hands of another? The problem will always be around the actual incident itself, as to who becomes the managing authority in that situation.

Mr Dawson: If I can just add a comment. I think some of our submission also discusses the value of local government agencies, particularly the volunteer brigades, etc. While there is a lot of goodwill and support, the Auditor General made a similar comment. We do not want to lose the capacity for many volunteers to work collaboratively. The point we are trying to put forward is that there should be a hierarchy of responsible authorities. Without that clarity, and the hierarchy of a lead authority, that can lead to a degree of confusion, particularly when an emergency situation exists. If that is clearly prescribed in the legislation, there is no argument at the time of an emergency. That is not the time to have a dispute.

Mr Eason: Can I add to that as well, from an operational perspective? The anecdotal advice from the guys out on the road is that there is some confusion about who is in control when a fire burns into a CALM area, a national park or the like. That is the sort of feedback you get from the guys out there. We are sitting here looking at all these documents. One of those is probably Westplan-Wildfire. It is about 70 or 80 pages long. For the guys out on the road to sit down and digest that amount of information and know quite clearly who is in charge of a given fire is quite difficult. I think we need to be more consistent, as we are with the other hazards.

[11.00 am]

Mr M.J. COWPER: Do you see that as something that needs to be legislated for or is it a management issue?

Mr Eason: I suppose it probably could partially be a management issue. Some training issues probably come out of that as well, but for the operational people on the road, obviously clarity is quite critical. If you simply picked up that document "Westplan-Wildfire" and looked at it, I think you would be a little confused. The first person to pick it up and look at it would be somewhat confused. I think there needs to be some clarity in that area.

Mr P.D. OMODEI: Would it not be fair to say that if you were in FESA or CALM or any one of those agencies, the "Westplan-Wildfire" document should be very well known?

Mr Eason: I think that is probably a fair comment. Police have a significant role, though, in terms of bushfires, traffic management, evacuation and the like; so I guess we should know it appropriately as well.

Mrs J. HUGHES: Under the Emergency Management Act 2005, the Commissioner of Police is the designated state emergency coordinator. How do you see that role and how you fit within that structure? What duties do you see as falling under that role?

Mr O'Callaghan: In terms of the state emergency management coordinator, are you talking about the act, actually as a chairperson? Is that what you are saying?

Mrs J. HUGHES: Yes.

Mr O'Callaghan: That role is much more about policy and policy setting than it is about directing operations. My experience with that over the past 12 months has really been at the policy level, but not any lower than that.

Mrs J. HUGHES: Okay, because overseas there is a tiered structure down to the local level.

Mr O'Callaghan: Sure.

Mrs J. HUGHES: Do you have the feed coming up from other agencies?

Mr O'Callaghan: Yes, we do.

The CHAIRMAN: I would like to ask you a question in relation to the adoption of the common incident control system, which seems to have come out in both the coroner's inquiry and the Auditor General's inquiry. In paragraph 3 on page 9 of your submission, you state -

... the National Counter Terrorism Committee's approach to the response to a terrorist incident, as identified in the NCTC handbook, was based on the Planning & Command model ...

Meanwhile FESA and police are using the AIIMS-ICS model.

Mr O'Callaghan: Yes.

The CHAIRMAN: If Western Australia were subject to a terrorist attack and emergency services personnel were deployed, would you regard these two different models as being in conflict with each other? Is it possible for any one model to be uniformly adopted?

Mr O'Callaghan: The police in Western Australia have taken the lead nationally on moving to the AIIMS-ICS system away from commander control. We raised this matter at the conference of commissioners back in March, I think, it was, Chris.

Mr Dawson: It was.

Mr O'Callaghan: And with the NCTC as well. I think there is a will nationally to move that way. Not all states are aligned with it. There is still a fair bit of debate going on, but I think the conversation I had with some of the commissioners last March was that they are all considering going to AIIMS-ICS. A lot of people within their organisations are cautioning them against that, but it is on the national agenda and it is starting to move that way. I think there are issues with coordination of a national counter-terrorism incident. Currently we would still use commander control, if that was the situation, but over time, as we discuss this issue with the commissioners, I think we will move closer to language that is more compatible across the states. Do you want to add to that, Chris?

Mr Dawson: In that sense the National Counter-Terrorism Committee has specifically considered the AIIMS-ICS system, and that was put to a subcommittee of the NCTC. That committee has met. It has actually tweaked it - for want of a better term - in terms of adding some particular issues as they relate to police on investigations of counter-terrorism incidents, and indeed some of the media issues around them. However, as the commissioner has already said, we are rapidly approaching

agreement that there needs to be interoperability and a single system with which all the agencies work. To that end the NCTC is meeting next month. I will be attending that meeting and that is on the agenda to be further discussed.

Mr O'Callaghan: Given that most emergency management authorities around Australia are moving to AIIMS-ICS, the point we make with the other commissioners is that it is a little silly to hang onto commander control when all the other emergency management authorities are moving to AIIMS-ICS. It seems to be a bit of a cultural thing more than any real problem in moving to that, so I think we will work through it.

The CHAIRMAN: And yet you said that Western Australia is leading the country in moving to that?

Mr O'Callaghan: We are the first police authority in the country to move to AIIMS-ICS.

Mr M.J. COWPER: If we were to go to a language that everyone could speak, we would use the same sort of format. The two issues that have always come out of debriefs in any incident in which I have been involved were communications and training. I would like to hear your views on the capacity to evolve or promulgate that language throughout the agencies, not only in your own agency but also right across the spectrum. Would you need a facility to be able to accommodate that, or some sort of training complex? I am not sure whether you would want CALM people coming through your training facility or vice versa.

Mr O'Callaghan: We have always maintained that our training facility should be used more often by other areas of government, particularly for this sort of thing where we are trying to teach the same sort of tactics or communications. So, we would be very open to that. I do not think we have a particular syllabus or curriculum in place at the moment to do that, but I know that we are working internally with our own people on moving to the AIIMS-ICS system. I do not know whether Chris wants to elaborate on what we are doing at the academy currently on that.

Mr Dawson: Yes. We have specifically requested the academy to not only develop, but also start the instruction right across the Western Australia Police themselves, who have had, as you know from your previous experience, quite broad training in command and control. However, to move to the AIIMS-ICS system is quite a comprehensive piece of work in terms of training and development, but we have already embarked on that. We have had some discussion with FESA and FESA has, in fact, quite a lot of experience because of the AFAC - Australasian Fire Authorities Council - recommendations some time ago to co-opt FESA lecturers to assist in police work. We are not being shy about that, in saying that they have the expertise already and they can actually assist us in this training. The other issue in terms of communication is very important for a number of reasons. I do not know whether the commissioner wants to comment on the present position of communications.

Mr O'Callaghan: I guess the next level is radio communication, electronic communication between people at these incidents. We have an agreement to use the common AV channels at the moment on the portables. The problem really is interoperability of our main networks with each other. As you are probably aware, the police are moving to a new digital radio network. The other agencies do not have digital radio networks. However, one of the things we have been exploring is transferring our UHF network to FESA, so that FESA can use the network. The new network that the police will get has what is called "backward compatibility", so that at the flick of a radio switch you can move from digital communications back to the old UHF communications onto the old channels. If we can achieve that, and I think it is achievable, we will have a lot better communication, particularly with the main authorities like FESA, because we will all be on the same UHF channels. Police operate on a day-to-day basis on digital, but for those emergency situations we would backward flick to the UHF channels.

The CHAIRMAN: You have answered some of our questions and are way ahead of us. There was a bit of ESP there!

Mr O'Callaghan: I am sorry, it is only the metropolitan area because the digital radio network covers only metro and the UHF network. In the country we are still left with the same sorts of communications we have currently. So there is no plan for us to roll out any new infrastructure into the country.

The CHAIRMAN: But you will continue to have that UHF capability between FESA and CALM.

Mr O'Callaghan: Yes, we will.

The CHAIRMAN: Going back to one thing you mentioned earlier on the hazard management agency, you respond to both land and marine searches but you rely on FESA, SES and volunteer marine search and rescue resources to perform those roles. Should FESA then be the designated hazard management agency for marine search and land search; and, if not, why not? Do you want to answer that part first and then we can move on?

Mr Dawson: Mr Chair, as you would be aware, the police have existing HMA responsibilities for both land and marine search and rescue, but we do have a long history of working collaboratively with the volunteer groups, such as the sea search and rescue groups and, indeed, the State Emergency Service units right throughout the state. That working relationship is very healthy, and it is fair to say that it has probably improved, during the past two to three years particularly, with regard to FESA bringing the SES areas and the marine search and rescue people within the FESA management structure. Unless Senior Sergeant Eason wants to correct me, I understand from all the reports that I get that that working relationship works quite well under the present arrangements. I would not see that FESA would have the broader capacity, just by volume, and by the spread of resources across a very vast state to take on the lead HMA responsibility for land and sea search and rescue. Functionally, it will result in the police doing the job anyway in terms of coordination because FESA simply does not have the number of people that we have spread across the state. People will ordinarily call on the police in the first instance if someone is lost at sea or lost in the bush. The issue is around the coordination of resources. My response is that that coordination is healthy and is improving.

[11.00 am]

Mr Eason: We have an existing resource on a statewide basis. Obviously, FESA would not have that at the moment. We have a high number of people who are trained in search and rescue capacity. That is the key issue as far as I am concerned.

Mr P.D. OMODEI: In relation to coordination involving marine aspects, what is the coordination between the water police, CALM and Fisheries? You all have boats - I have seen them tied up on the same wharf from time to time. From a surveillance point of view, given the new threat of illegal fishermen and whatever, is there coordination as far as intelligence sharing between the agencies or do they all act independently?

Mr O'Callaghan: I will let Alan talk to what we are doing internally. Terrorism, particularly, has drawn a lot of the state agencies and commonwealth agencies together. We meet regularly about coordinating our resources and working together on patrol work and response. That is already happening. It is probably being driven more by terrorism than anything else over the past 12 months.

Mr Eason: I was only going to say that, operationally, the water police operate under the marine emergency operation centre at Fremantle on a 24/7 basis. It is clearly available to anyone who wants to call it. They have a very good liaison with the volunteer marine search and rescue people. In terms of the exchange of intelligence, I guess that occurs on a regular basis.

Mr M.J. COWPER: Are you still running your diploma search and rescue courses within the organisation?

Mr Eason: We are not running those. We are actually running a five-day search controller's course. The diploma for search and rescue was made up of the marine component and the land search and rescue component. Those have been split. The water police have taken the marine search and rescue component. Our emergency operations unit delivers the five-day land search controller's course. Those courses have not been nationally recognised. They are split; we no longer have the diploma of search and rescue as such.

Mr P.D. OMODEI: I raise a different issue in relation to local emergency management committees and the role of the police representative on those committees. It seems to me that there could be an anomaly in relation to an incident in which the chair of the local community management committee is the shire president and the local emergency coordinator is the deputy. There is also an executive officer. On the committee is the fire brigade and all the others - that is, FESA and so on. The Western Australia Police representative is the person in charge of an emergency when it occurs. Given that, from a permanency point of view, the police officer in charge could be new to the district, what actions are put in place to make sure that that officer is brought up to speed with local conditions and local topography, geography and demography?

Mr Eason: It is probably a common problem in terms of transferring police officers to the country in having the ability and time perhaps to give them the necessary training. The emergency operations unit delivers a number of courses from first responder one-day courses to comprehensive five-day packages in terms of emergency management and how those systems work. If there is the ability and the person has the available time, we can put them into the appropriate courses prior to them being transferred to the relevant areas; I refer, for example, to the OIC of a police station. That is certainly dependent upon their availability. We also deliver statewide training in relation to emergency management for police. We have incident managers' courses, emergency management programs, first responder courses and land search and rescue programs. That is delivered on a statewide basis.

Mr P.D. OMODEI: The only thing missing would be the local knowledge.

Mr Eason: That is correct. In terms of them actually being in charge of the emergency you are referring to, I am not sure whether that is strictly correct, depending on what the emergency or hazard situation is. If it were a hazard that did not fall within our ambit - our six hazards - another agency would be responsible for it and we would act as coordinators only, rather than being completely in charge of it.

Mr O'Callaghan: I think it is fair to say that any officer going to regional Western Australia, for whatever reason, requires an amount of training depending on the region he is going to and the challenges of the particular region. It is also fair to say that we are not that well advanced that we provide it in a just-in-time fashion. It is often done after the event. It is done in an ad hoc way, and we would like to do it more systematically. But, as a result of all the other demands on police going to the bush to get different types of skills, including tactical skills, these things are not always done in a just-in-time way and are often done after the event. Frequently, the officer will arrive in a location and not get full training for the details of that location for some time; they pick it up by experience - that is, they just happen to be there and they talk to people around the town and the region. I think that is the reality of it.

Mr P.D. OMODEI: Or they talk to other officers.

Mr O'Callaghan: Or they talk to other officers. There is a natural exchange of information.

Mr M.J. COWPER: I am trying to think of the name of the form for your quarterly reports. My mind is going already.

Mr O'Callaghan: The OPRs?

Mr M.J. COWPER: No. Before that. The forms in which you fill in the box on how much time you spent on a particular duty within the organisation.

Mr O'Callaghan: Those are outward-based management forms.

Mr M.J. COWPER: When it comes to the emergency management role, particularly for those within country police stations, it is my experience that there is nowhere near enough time given to emergency management based on what officers do from day to day because there are so many competing competencies. In essence, there is the problem for the service because of the other duties officers are required to do from time to time. Although I agree that police in those locations are the best persons suited to coordinate or be the chair of the LEMACs, there is a difficulty there for those officers in those environments because of the competing competencies. I would like your comment on ways of raising the profile of EM.

Mr O'Callaghan: The issues you raise are difficult for us to address. Officers transferring to country stations tend to transfer a lot. Once you get them to a country station, for one reason or another, they soon get promoted. Their tenure ends, and they move on. You lose that skill base all the time. I think some of those things are problematic for us. We can certainly raise the profile of EM. Lots is being done at the academy in terms of in-service training to do that. We are faced with the fact that when we start talking about bushfires, FESA and CALM, police officers are the group of people who tend to move around the most in regional Western Australia. They move around for all sorts of reasons. Sometimes they go in and stay three years - sometimes they stay longer. At other times they are out a lot quicker because they get a promotion or something else occurs. Transferability and continuity is a problem for us.

Mr Dawson: I add that the exercise regime that we put in place, particularly through the LEMACs and through what Senior Sergeant Eason mentioned earlier, is one way of drawing those people together so that they are not just simply meeting and exercising in real life. Either through a discussion exercise or through a reality-based scenario, they work hand in hand with those they need to call on in a real emergency. That is one of the other ways in which we try to ensure that the local OIC of police knows how to contact and how to coordinate. Often those communications issues are overcome through the exercise.

Mr Eason: From a hands-on perspective in terms of what we do in emergency operations, we are a fairly small unit; we have only seven people. There is certainly the ability of the OIC of a station to ring the emergency operations unit and ask for advice and direction. We put up a recent proposal that we provide additional advice to people like OICs of stations about how to write their local plans and the like. I acknowledge what you say in that they are busy with other priorities. Having the support of some expertise from our area is quite helpful. Regarding the exercising Mr Dawson mentioned, I know it has been mooted about having a centralised exercise writing team. We are moving more to this aspect of exercising our plans, and other bits and pieces. That has been mooted. I think Mr Caporn is driving that particular initiative.

Mr P.D. OMODEI: Given that policy statement No 7 has been around for quite some time, would it be true to say that it has worked reasonably well? Is it now time to go ahead with revamped legislation given that some of the commitments, if we bind the Crown and others in the legislation, will mean a big hit on Treasury? From the point of view of the police, is it now time to move to a new plan given that policy statement No 7 has been around for about 20 years?

Mr O'Callaghan: I think it has, in various forms. It might be interesting to get a view from the ground about what the troops understand of policy statement No 7 because it is really the critical issue for us. In some ways it is quite confusing for them.

Mr Eason: I think there is probably not a complete understanding of policy statement No 7. I was recently involved in one of the four-day emergency management courses with the police. There is some confusion about the terminology and the like. It is probably appropriate to move on. We

have moved on anyway, have we not, in terms of the EM Act been subject to gazettal next week, I understand? We have moved on anyway and it is probably appropriate to legislate rather than having a policy that does not provide the necessary authority for things to happen as they should happen.

Mr Dawson: My understanding is that the regulations that underpin the new EM Act will also address policy statement No 7. Again, that will provide a modern interpretation.

The CHAIRMAN: At paragraph two on page 13 of your submission, you state -

It is critical that legislation sets out the means by which training and preparedness for emergencies can be regulated in ensuring that appropriate oversight of HMAs exist to ensure that they have conducted sufficient planning and coordinated adequate training necessary for the management of emergencies.

Can you tell us who you propose will take on the role of the regulating body and why you suggest that particular group?

Mr O'Callaghan: Our concerns are more that, with the Emergency Management Act, there will be some accountabilities in place. It is unfair and unrealistic to hold people accountable for their responses and actions unless you provide the training and direction for them. I think that is what that statement is about. I do not think we have provided an answer; I do not think that we necessarily know the answer as to who would be responsible for providing that resource or that training. It is really about accountabilities. If you can hold people accountable under legislation, you have to provide the direction and training for them.

The CHAIRMAN: FESA's submission suggested that they move to a departmental-type structure rather than the authority-type structure. Would it be feasible that it fit under an emergency services department?

Mr O'Callaghan: Are they suggesting that each department is responsible for its training or that a single department is responsible?

The CHAIRMAN: They currently operate as an authority with a board. They are suggesting that they move to be a proper government department with an advisory board - i.e. volunteers - rather than be directed by its own individual board. Would that regulatory authority, which makes sure the training is done, fit in that type of department?

Mr O'Callaghan: I think it would; I think that would work. I know that FESA has expressed concerns to me about its board structure. I think that could fit within the department.

Mr Eason: I notice that section 20 of the Emergency Management Act 2005 discusses directions to, and duties of, public authorities and what the requirements are. I am not sure whether Mr Chairman is familiar with that. It seems that State Emergency Management Committee can direct certain things to happen in terms of what is required under emergency management under section 20. It seems as though it will exist under the new act anyway.

Mr Dawson: One of the things we would need to be careful about with this is a new model emerging in which a department had primary responsibility. If there were a training regime set out that dictated something, would it impact across a number of other statutory authorities or departments? It may not meet the exact priority of the department. Those sorts of things need to be thought through quite carefully before a centralised department would mandate a particular prioritisation of the training. I am certain those things can be worked through with the relevant directors general, chief executive officers or commissioners, but that is something that needs to be carefully thought through.

[11.30am]

Mr M.J. COWPER: I think it appropriate for this committee to consider the emergency management threats that may be perceived to be an issue for the future. Clearly we know about fires, tempest and the like, but you touched on an aspect of terrorism earlier. I would like to hear how your department is scanning the horizon for further potential threats and what you see as the future in being able to respond to perceived threats.

Mr O'Callaghan: We have done a fair bit of work on establishing a counter-terrorism structure in the police in Western Australia over the past six months or so and that structure has a number of elements in it that are critical to intelligence gathering and response. That falls under specialist services, deputy commissioner.

Mr Dawson: In regard to both planning and preparedness to not just respond but to be very proactive in terms of intelligence gathering and coordination, I think the recent events on the east coast are more than a salutary reminder that we need to be very vigilant about these sorts of threats and we should not simply be responding to an event but be as proactive as we possibly can. That does require a very high level of interagency cooperation, which is occurring between the federal and state authorities. In regard to the particular state issues, if I could perhaps slightly shift my response to talk about a current example that we have been working through, which is the flu pandemic. That has been the subject of very close deliberation within the SEMC framework with the emergency services group and, beyond that, the Western Australian Police only last week having quite a comprehensive strategic planning session so that we will be better prepared to respond, for instance, if the flu arrived on our shores with quite catastrophic potential results in terms of what that may do not only with the police but right across the public and private sectors. That is another example of where the police are seeking to continually improve the coordination and planning across a number of other departments and agencies. While there is a focus particularly on counter-terrorism at the moment, which there needs to be, it is broader than that and also includes a number of other emergency management issues.

The CHAIRMAN: Do you have anything else to add?

Mr O'Callaghan: No.

Mrs J. HUGHES: I just want to ask a question about civil liability. There is no provision at the moment for people working under the direction of the police with civil action being taken against them, although there is in some of the other emergency services. Do you feel that that should be fixed or put into some sort of legislation?

Mr O'Callaghan: That is a good question. Have we done any work on that?

Mr Dawson: Historically, the member is correct in the sense that it has presented quite a number of problems and some of those have been addressed by way of act-of-grace payments and ex gratia payments for particularly volunteers in emergency situations where police have, in effect, commandeered or requested assistance and there has been an opportunity to request the government to repay those people for any out-of-pocket expenses. I understand that the Emergency Management Act, the new legislation, does talk about this issue in terms of some of the responsibilities that the state bears in addressing that issue. From my initial reading of that I am pretty certain it has addressed many of those concerns.

Mr O'Callaghan: Did the question relate to acting under the direction of police? I am wondering whether anything has been picked up in the Police Administration Bill on that?

The CHAIRMAN: Currently under the FESA act volunteers, SES and marine rescue people have been picked up for workers' compensation and those issues, but it is apparent from what I am reading that if you direct somebody they are not actually covered for anything that you are doing.

Mr O'Callaghan: That is true.

Mr Dawson: There is broad capacity under the new legislation for the responsible minister, through the commissioner as the state coordinator, to make a direction in the declaration of an emergency, in which case all departments are required to comply. I think there is capacity for it to go much broader. It is early days and it has not yet occurred, and we would not want it to occur, but that legislation, which has now been put in place, addresses some of those shortfalls that we have had for many years. Quite frankly, we were very much reliant on the good-natured volunteers and those other community-minded people.

Mr Eason: There is a section under the Emergency Management Act referring to regulations for compensation of volunteers. I am not sure what that refers to; I have not looked at it.

The CHAIRMAN: I was on a committee that dealt with that. We were talking about when you commandeered somebody's car or whatever, that there be a mechanism to recoup any losses that that person may have.

There are no further questions. Thank you for attending this morning. A transcript of this hearing will be forwarded to you for correction of typographical errors or errors of transcript or fact. New material cannot be introduced, in the sense that the evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, you should submit a supplementary submission for the committee's consideration. If the transcript is not returned within 10 days of receipt we will deem it to be correct. Thank you again for attending this morning.

Hearing concluded at 11.37 am
