

# **COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE**

## **INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION**

### **SESSION ONE**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
WEDNESDAY, 10 MAY 2006**

#### **Members**

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

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**Hearing commenced at 9.45am**

**[Evidence was taken from Mrs Webb-Smith and Mr Thomson by means of videoconference]**

**WEBB-SMITH, MRS RUTH CATHERINE,  
Pastoralists and Graziers Association of WA, examined:**

**THOMSON, MR HUGH RUSSELL,  
Pastoralists and Graziers Association of WA, examined:**

**ESBENSHADE, DR HENRY  
Pastoralists and Graziers Association of WA, examined:**

**The CHAIRMAN:** Welcome. We are still missing Dr Henry Esbenshade. If it is all right with you, we will kick off because we have an hour booked and other witnesses are coming in at 10.45 am. We will go through some of the formalities that we must do as a committee. I have some information to read to you. When you want to make a comment would you please say "Ruth" or "Russell". Even though we can hear a female and male voice, it makes it easy for Hansard to attribute the comments to the correct person. Hansard will change every 15 minutes; therefore, it is important that you state your name so that they can distinguish who is speaking.

Russell, have you received the "Details of Witness" form?

**Mr Thomson:** No, nothing has come through.

**The CHAIRMAN:** Katherine is still out of the room and is trying to get it to you. I will go to Ruth first when I ask the questions and then, hopefully, you will have the document when I get to you. It looks as though you have just received it. Prior to that I have other things to say. Hansard will start recording now.

I will go through these questions and you can respond in the appropriate place. 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. Ruth, have you completed the "Details of Witness" form?

**Mrs Webb-Smith:** Yes.

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

**Mrs Webb-Smith:** Yes.

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

**Mrs Webb-Smith:** Yes.

**The CHAIRMAN:** Russell, have you completed the Details of Witness form?

**Mr Thomson:** Yes, I have.

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

**Mr Thomson:** Yes, I do.

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

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**Mr Thomson:** Yes, I have.

**The CHAIRMAN:** Would you state the capacity in which you appear before the committee this morning?

**Mr Thomson:** Hugh Russell Thomson, Kunmallup, Woodanilling, WA, 6316. My occupation is farmer, plus other things. I am representing the Pastoralists and Graziers Association and also wearing a hat for the Shire of Woodanilling.

**The CHAIRMAN:** While we have been speaking to you, Russell and Ruth, Dr Esbenshade has joined us. Henry, have you completed the Details of Witness form?

**Dr Esbenshade:** Yes.

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

**Dr Esbenshade:** Yes.

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

**Dr Esbenshade:** Yes.

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

**Dr Esbenshade:** At the outset, I would like to thank you very much. We will speak to the submission and provide further input on the issues raised in that written text. With Ruth's and Russell's permission, I would like to put forward a bit of summary to open this up.

**The CHAIRMAN:** I will finish the last bit of the formalities and then we will let you go through your submission. Is it your wish that the submission be incorporated as part of the transcript of evidence?

**Dr Esbenshade:** Yes.

**The CHAIRMAN:** Before we ask any questions, I will give you an opportunity to make statements in addition to your submission.

**Dr Esbenshade:** We appreciate that very much. The Pastoralists and Graziers Association has had a long involvement with landholders; almost 100 years now. There has been a significant rise in concern about the issue of fire and its impact on the increasingly developed pastoral and agricultural estate. The extent to which the Department of Conservation and Land Management and other government authorities have taken on land adjoining pastoral and agricultural properties has abetted that, making the complex tenure issue much more important to realise, particularly in light of the increasing amount of native title in Western Australia and other kinds of new rights gained through a range of acts of Parliament, both federal and state.

At the outset, the fire brigades in the agricultural area, as we have written on the first page of our submission, have proved to be a successful mechanism. Very little change is recommended there. Mr Thomson will add further to that. There is a strong foundation of community support for them and that has been well exhibited in the past two, three or four years when there have been some very difficult and trying problems.

In the pastoral areas there is a more complicated picture with a declining population and, therefore, there is not the human resources available to combat, much less prevent, fires. However, new technology that has come through in the last decade with aerial controlled burning has provided the opportunity for the landholders, in liaison with the government agency, Fire and Emergency Services Authority, to provide a fairly good early days effort now, some years' worth, to resolve this need for greater prevention. What we feel is needed overall is a clear process to allow landholders and local brigades to effectively communicate with FESA, both in the agricultural and

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pastoral areas. Through a number of recent research grants FESA has received, we now have a partnership arrangement in the pastoral area with it to test out and improve on aerial control burning.

The role of FESA, as written in its mission statement, is a partnership with community. We certainly support that; however, the experience on the ground is that it needs to work more on developing a better relationship with the local community. Having numbers on the ground is always a big issue and we would certainly encourage an increased role in FESA better understanding community needs.

I will skip over the sections on FESA and fire brigades because Russell Thomson will deal with them.

**The CHAIRMAN:** Could you move to your right slightly so that Katanning and Carnarvon can see you on the video-conference camera.

**Dr Esbenshade:** The FESA levy has not been welcomed. Landholders generally resist and they have done their best to reduce the extent to which the levy would apply. However, it did come through and there is concern about how well those moneys have been used. As outlined in our submission, we think that if there is a need to increase the levy it certainly needs to be tied to the consumer price index with a ministerial decision that involves the community - decision-making, discussion and so on. Under the emergency services legislation, registered volunteers should be given an exemption from that levy. They are putting in a lot of their own time and petrol and are taking a huge risk, which we feel merits some clear solid commendation. Ruth will address the remaining issues in the pastoral area.

The real concern that I raise now is that FESA has put forward a series of recommendations to the committee. We do not have the latest version of those. The one I am looking at now is dated 8 December 2005. FESA shared those recommendations with us because we have a close working relationship. We felt that, in general, they were meritorious.

Recommendation 1: we think that the Bush Fires Act is still largely relevant and it has, as you will hear from Ruth, the potential for amendment as it relates to pastoral areas - perhaps to empower greater involvement of FESA in aerial control burning and managing the problems that arise, because local government is under-resourced to manage the extent and severity of fire.

Recommendation 2: we support that the Emergency Services Levy Act binds the crown. We think that CALM and other government departments should be as responsible as is everyone else to the community. I am speaking only to those recommendations that are relevant to agriculture and pastoral areas.

Recommendation 5: the power to establish bushfire brigades and cancel such approvals - no, we would not support it. The local community and local government have been very much at the fore there.

Recommendation 7: we have had five drafts of recommendation 7, and that has been in close discussion with FESA. The latest recommendation still does not seem to meet our needs. We do not support mandatory fire management plans. We think that the landholders should be empowered to continue. They are quite able to develop their own plans for aerial burning objectives. However, that can be done more closely with FESA. We do not want to increase government regulation to limit the ability of these people to make a living.

Recommendation 8: yes, we support that recommendation. If, in the case of a multi-agency fire FESA thinks that CALM or local government are struggling, or CALM or local government request it, FESA should take control. We are aware of that from our experience with the hills fires some years ago.

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Recommendation 9: we are uncertain about that. We do not have enough information on recommendations 9 or 10 which involve the setup of a new FESA department rather than authority. We would look to further dialogue with FESA on this issue, if it is willing, and certainly hope that the government will provide us with more input into what they adopt. That is my overall submission and I leave it open to questions.

**The CHAIRMAN:** Ruth or Russell, do you have anything to add at this stage?

**Mrs Webb-Smith:** I would like to add things, but, first, I would like you to go further.

[10.00 am]

**Mr Thomson:** I am in the same boat. I want to say things, but I will let the wheel turn for a bit.

**The CHAIRMAN:** Henry, you have covered some of the questions we have in your comments.

**Dr Esbenshade:** Good.

**The CHAIRMAN:** If we start going through some of the questions we have, that will put it in the context that you were looking at. Can you hear us quite clearly, Russell and Ruth?

**Mrs Webb-Smith:** Yes, it is fine.

**Mr Thomson:** Yes, it is okay. Henry is a bit hard to hear and he is still off the screen. All I can see is his back. The reception from Carnarvon is a whole lot better than from Parliament. You people are really only a blur on the screen, whereas Ruth is quite clear.

**The CHAIRMAN:** I am not too sure what we can do about our being a blur but, hopefully, you can hear us, which is the major part of it.

**Mr Thomson:** Exactly. Thank you.

**The CHAIRMAN:** On page 1 at the fourth and fifth paragraphs in your submission you mention that increased support from FESA is required to assist pastoralists and for protecting natural resources and pastoral enterprises from unacceptable levels of wildfire. You then indicate that this could be done through establishing a process that enables communication by landholders, local brigades and FESA about the level of the control activity the authorities should have in their area. Could you elaborate on how you believe this could or should occur?

**Dr Esbenshade:** Yes. FESA has been working quite hard now to evaluate how better to involve pastoralists in its aerial control burning and other fire prevention type activities. There has been a considerable effort by us to encourage them in doing this. We want to see more pastoral stations involved. Perhaps Ruth would like to speak to that.

**Mrs Webb-Smith:** That was a little bit hard to hear. When you mentioned the fifth paragraph, I was trying to follow that. The PGA believes that there must be a clearer process - is that the one?

**The CHAIRMAN:** Yes.

**Mrs Webb-Smith:** Okay. We believe that it is such a regional matter there because in the north we would like a single fire authority to look at fire suppression. Everybody seems to be on the bandwagon of prevention. They do not mind being involved in that, but suppression seems to be going behind the eight ball. In the southern areas - Russell can add to this - they are very happy with their local authorities and their local brigades, but that does not work in the north. We really see that this needs to be a regional thing. The Kimberley is quite different from the Pilbara. That is what we are getting at. Something like one hour of aerial control burning on 100 litres in the Kimberley will cost \$640 an hour, which is 64 000, and yet we spend millions on so-called projects. I have been on the committees up there, and so I can assure you. That is what we are getting at there. We need something done on the ground at a regional level.

**Mrs J. HUGHES:** On page 1 in the fifth paragraph you state that any blanket statewide measures to either change fire control practices or increase FESA's role therein will fail to capture the local

issues that are crucial to the effective operation of the community-based volunteer organisations. Can you elaborate on that for me?

**Dr Esbenschade:** At the outset I would say that Ruth's statement is clear: the Kimberley is quite different from the Pilbara, as is the Goldfields, Gascoyne, Murchison and Nullarbor. We see a need for greater FESA involvement in working out the timing of fire suppression and the practical methods that could be used. There is a good lot of work that has got to be done. Kimberley right now is the first off the mark. FESA has taken on two very significant research programs, which are funded by the commonwealth, to evaluate exactly how best to involve landholders in aerial control burning practices in the Kimberley, and other parts of the state are needing the same.

**Mrs J. HUGHES:** Just to elaborate on that: is the main local issue the aerial control burning or are there other issues that also relate to that?

**Dr Esbenschade:** There are many things; everything related to fire, whether it is the initial attempt to put in firebreaks, through ACB or other mechanisms, to the fighting of the fire and post-fire problems. All of it is related.

**Mrs Webb-Smith:** When you are talking about whether it is just ACB, it goes across a lot of other issues. You can think of things like legislation for penalties. That seems to be getting less and less. Quite often we sit on boards, and the people actually living and fighting the fires in those pastoral areas are in such a minority that they do not carry any weight. I have just recently come back from a territory where they have boards. There is one single board for the whole of the territory, but from that come the regions and then the regions all have small committees. They are mainly made up of people who are actually living and working on the land.

**Mrs J. HUGHES:** Under the regional setup, do they have committees and does their advice then become the way by which procedures and processes are set?

**Mrs Webb-Smith:** Yes. I do not want to comment, because I have not gone into it enough, but it has just come to my attention and it works very effectively at the moment in the territory where the boards are set up. A member of each subdivision goes onto the main state or territory board. Anyway, it is something to investigate, I suppose, but it may look at the regional development of fire suppression. I would put that before prevention. We also have to know that in the north we use fire as a management tool to promote growth and all those other things. Then, of course, comes the issue of traditional fire. There are many different views on that. Quite often traditional burning is deliberate burning anyway, but we have to look at how we can educate people. They are the different issues. It is a big, wide issue.

**Mr M.J. COWPER:** Good morning, Ruth. I am very keen to hear your views, having lived in the Kimberley and Pilbara for 12 years and having looked after cattle stations. The point you make about it being a management tool is correct. Having looked at the PGA submission, there is not a lot in it that touches upon other aspects of emergency management. Obviously, we are talking here about fire as a hazard. Of course, in your part of the world cyclones, floods and other acts of nature are also very important. On the ground we have regional centres, particularly of the SES, marine rescue and the like. We know where Wyloo station is. How do you cope during the cyclone season; with the support on the ground to look after your needs, or do you look after your own?

**Mrs Webb-Smith:** You are pretty right there. I think that we are fairly used to trying to cope ourselves. When problems do arise, it is nice to know that there is that backup there that we always receive, particularly from FESA in the north. However, with the way it is set up now, we are finding that resources are going into prevention rather than being able to cope with the issue when it happens. With having to go to your local authority in the north, I guess it is the red tape. By that time you know the fire is well away and you have got half the place burnt. You are right. How do we cope with the floods? You do it yourself, but it is always something we can improve on. From another leftfield, we are trying to get better radar surveillance. If you look at the radar situation for

the whole of Australia, the Murchison and Pilbara areas are devoid of any infrastructure when it comes to radar surveillance. We need that when the rivers are coming down. The bureau has certainly improved. We can all use the Internet now, so that is a big improvement in the past 10 years.

**Mr M.J. COWPER:** Further to that point, apart from when a critical incident occurs, whether it be a fire or flood, when do you see someone from FESA or the SES in your neck of the woods?

**Mrs Webb-Smith:** Very, very rarely, but because of the active role I have put to FESA in the Kimberley, and it is now happening in the Pilbara, they are doing these trials with ACB, whereas I believe it should just be an ongoing thing anyway. I gave an indication of what it was costing for a bit of ACB. We find the ACB really very effective in the north. We are promoting it as much as we can. This year, because of the huge floods and the amount of fuel that will be able to be burnt later in the year, we expect that there could be severe fires in the Pilbara. I have already asked Ralph Smith of FESA to address that, and he is starting to do some trials, indicating how, and giving evidence to other pastoralists on how, we can control some of these seasons.

**Ms K. HODSON-THOMAS:** I note the comments on page 1 regarding decreases in population density and the second comment on page 2 relating to the varying capacity of the community to handle and prepare for fire control in the area. A number of local government authorities are proposing that FESA take over part or all of the local government bushfire responsibilities, those relating to supporting and administering bush fire brigade. FESA has suggested that legislation allow it to take over bushfire responsibilities, but only when the local governments in the respective areas want this to occur. I wonder if you all might like to comment on that.

**Dr Esbenshade:** I will take the first step. I know that Russell has some views. Certainly it varies, as Ruth has said, across the state. We are coming to understand better how FESA may be able to actually do a good job on the ground. We would welcome their involvement in managing local government responsibilities, particularly when fires become extreme, which is not often up there. The involvement of FESA and the interaction of local government brigades is quite different in the Kimberley, Pilbara and generally the pastoral areas from the agricultural areas. I think perhaps that may need to be spoken to by Russell.

**Mr Thomson:** I believe that the people right there on the job, the volunteers and the community, need to be strongly encouraged and helped to do their thing. We cannot rely on FESA for most fires until the situation gets right out of hand. I believe that as for FESA taking over in the agricultural area - I am not speaking for the hobby farms along the coast but the true agricultural area - the locals are the ones who will have to do it. Most fires will be well put out, controlled and all that type of thing before FESA needs to know about it. That is a very good way to have it. As I see it, in our area we want FESA for advice, assistance and encouragement rather than it being Big Brother. To have FESA be able to come in at a local government request when things have got right out of hand and it has got a huge fire that is beyond - I am careful not to say "beyond the skill of the locals" -

**The CHAIRMAN:** Beyond the capacity?

**Mr Thomson:** They are good at handling normal fires, because they have had practice at that and they are on the job. So I think it is important that FESA encourage locals - the community - rather than stand in their way and take over.

[10.15 am]

**The CHAIRMAN:** Do you think that the current method of operation would change drastically if FESA had responsibility across the state, because FESA clearly is heavily, in fact completely, reliant on volunteers? From the conversations that we have had with FESA, the understanding that I am starting to get is that the actual operation would not change much, except that FESA would be

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the responsible authority right across the state and we would start to get some consistency across the state.

**Mr Thomson:** It depends. I guess our fear is that it sets up the ability for FESA to apply the one rule fits all situation. I guess that is what the small communities are fearing. If the statewide body gets control, then it can make rules that are good for one area and apply them to somewhere it does not fit. I believe that local government has responsibility for a whole lot of other things; therefore, they are practised at taking responsibility. FESA should have to earn its credentials by giving good advice, rather than having the power to come in and say, "This is how you're going to do it." To answer your question on whether it will change, it may not change at all but you are giving FESA the power to come in and make changes and that is the part I am concerned about.

**The CHAIRMAN:** Can I also confirm that when we have been conducting our hearings around the state, the view has been pushed to us that one size does not fit all, particularly in the instance of emergency management.

**Mr Thomson:** Yes.

**The CHAIRMAN:** So I think the committee is pretty clear that we cannot have a one size fits all policy. However, as you say, you are setting up the opportunity for FESA to actually determine some of the things that might happen around the state, which currently are determined by local government and the local people. Do any members have other questions?

**Mr M.J. COWPER:** My question goes back to my knowledge of cattle stations, sheep stations and pastoral stations in the north. When you think about FESA coming over and taking control - this is a bit of a rhetorical question - how on earth will it have knowledge of where the water supplies are and how to access the proximity of a water supply to a particular incident? What I am trying to say is that local knowledge and local understanding of the terrain, wind directions and history are pretty hard things to put in a document that has to be ratified and understood by someone coming from outside the area. I would like your views on that comment.

**Mr Thomson:** I absolutely agree. Someone from outside, hopefully, has experience in handling a major, huge fire that is threatening life and all those things. That body can come in at that senior level and provide expertise that the locals do not have. However, as for on the ground operations, it has to be that local people who have the knowledge run the show. My concern is that one of FESA's major roles is to encourage the locals to take responsibility and to be prepared. If you take away from the community that willingness to be involved with bureaucracy, red tape and the attitude of, "I'm from the government and I'm here to help," they are going to say, "Oh no, I don't care." Perhaps not quite that, but I believe you have to keep those local people keen to be there.

**Mrs J. HUGHES:** In your submission you talk about FESA's bureaucracy, fire brigades and so forth quite passionately. When we were down south on our hearings, we found that a lot of the farmers there had their own equipment, their own fire trucks and those sorts of things. Can you give me some idea as to what the feeling is in regard to the monitoring and supply of equipment in the large pastoral areas in the Pilbara and the Kimberley?

**Mrs Webb-Smith:** Do you want to hear from me on that?

**The CHAIRMAN:** I am sorry, Ruth, Henry was just about to give a comment and then we will come to you.

**Dr Esbenshade:** Yes, I will just give a quick overview here. I can remember some 10 years ago now the first meetings FESA had with pastoralists, trying to bring them up to speed with new equipment, and there were talks in Derby, Broome, Karratha, wherever, about all this new gear. They have steadily improved that. There has been a regular update and there has been an increasingly good subsidy, if not grants. Very good efforts with telecommunications, which happened about five or six years ago in the Kimberley, opened up better use of hand-held

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equipment and radio equipment in cars and trucks. So there has been a really good move on that, I think, equipment-wise. Ruth perhaps can give more detail there.

**The CHAIRMAN:** Ruth, would you like to comment further?

**Mrs Webb-Smith:** Yes, certainly. I agree with Henry on the surveillance and prevention side of things, but the pastoralists up there feel that they cannot just ring FESA any more and say that they need graders or bulldozers. However, because we have addressed this issue in the past 12 months, more of that is happening and I must admit that there is a bit more going that way. We are slowly getting back to where we were about 10 years ago when we used to be able to rely on FESA very well to add to the equipment that we had. However, fires up there go for weeks and have unbelievably huge fronts, as you are probably well aware, and it takes a lot of equipment. Those shires do not have that equipment because they actually contract a lot of their work out now, even down to roads and road maintenance and all the rest of it. However, FESA certainly is trying to address that more than it has in the past.

**The CHAIRMAN:** Ruth, you mentioned heavy equipment that normally previously would have come from local government but nowadays you are relying on FESA. I am trusting that FESA would have contracts with those local government contractors up there to actually get that equipment moved off road infrastructure - or whatever other infrastructure - in the case of a fire, or any other emergency for that matter. Is that what you are telling us we are getting back to?

**Mrs Webb-Smith:** I will try to answer as best I can, as I am not going to be completely accurate on where they source their equipment. However, at this stage we have been guaranteed that if we definitely need more bulldozers or graders, FESA will procure them. So I guess it will be procuring them now through private contractors, which are not as easily available as when they were attached to local authorities.

**Dr Esbenshade:** Can I add here that there has been an increasing dependence on mining companies for heavy equipment as a result of local government not having the equipment. FESA is really dependent upon a range of sources for where it can get them.

**Mrs Webb-Smith:** And in the past sometimes they also were able to hire them out from other properties. That used to happen a bit, but that seems to have receded in the past few years as well.

**The CHAIRMAN:** So it is really an issue of coordination between where we can get those resources now as opposed to where we used to get them before?

**Mrs Webb-Smith:** Yes.

**The CHAIRMAN:** The traditional places, such as local government, do not have them, so we have to make sure things are in place to ensure that we can get those things. Can we just move on a bit further? I am mindful of the time and I would like to get through your whole submission and give you an opportunity at the end to maybe sum up and add a couple of other things. In the last paragraph on page 2 of your submission you discuss the need for a balance between regulation and commonsense in emergency management and you cite some examples of where you believe commonsense should prevail. I think you have mentioned some of those already, but would you like to comment any further on those commonsense issues? I think local input is one of those.

**Mr Thomson:** I think those are examples that FESA need to be very aware of; that is, how it encourages the community to operate. I know with occupational health and safety there are all sorts of issues, but you do not need to burn off the volunteers. You are between a rock and a hard place, but be aware that you are predominantly dealing with volunteers. Volunteers, in the past and probably always in the future, will be a little strong-willed and a little righteous, and need to be treated as volunteers. So, just be careful.

**The CHAIRMAN:** Can I just follow on from that as well, now that you have mentioned volunteers? Again, I will give you a reference if you need to look it up in your submission. In

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paragraph 3 on page 3 you raise the concept of volunteers - as Henry did this morning here - being exempted from payment of the ESL because of the contribution those volunteers make. A number of volunteer groups have said that they do not want that financial recognition of volunteering but do want to be acknowledged for their contribution. We are asking whether you think an exemption would negate that volunteerism. Finally, how do you think the system could be managed effectively with the changeover of volunteers, given our pretty nomadic state at times, the movement between communities and all that sort of thing? Maybe we will ask Henry, as he mentioned it earlier on.

**Dr Esbenshade:** Certainly this is an issue that we are coming to grips with more and more in trying to understand how health and safety rules can be managed with better resourced volunteers, and that we are not dominated by an outside, less understanding force. I would say that we certainly need to investigate and have more discussion on this subject. I do not think that waiving the levy for volunteers would in any way reduce their will to volunteer. I think that this would be much appreciated for long service in many cases. I will leave that to you, Russell; perhaps you could speak to that.

**Mr Thomson:** Personally I think we would probably spend more money exempting the volunteers than it is worth. I think recognition is probably a better way to go, and I do not know how you do that. However, personally I think recognition is a better way to go than exemption. Wearing a local government hat, the exemption to me seems to be an administrative nightmare to honour because not everybody who is a volunteer pays rates and I believe that would be very hard to administer.

**The CHAIRMAN:** Clearly across the state there is a range of views on that, but thank you for your comments. I think it was Ruth who earlier mentioned fire management plans. FESA has requested to be empowered to request a development of fire management plans from landowners when the land is CALM-managed, plantation land or land used for pastoral and grazing purposes. A whole series of dot points have been raised in your submission, but I will not go through those. You do not support compulsory fire management plans, which appears to us to mitigate some of the risk and sort of gets away from the issue of having firebreaks around large tracts of land. Can you just expand a bit on that for us, please?

[10.30 am]

**Mrs Webb-Smith:** Saying that it would negate the firebreak issue is a bit of blackmail, because the firebreak issue for pastoral stations should never have been in the legislation initially, when it was put through years ago, because it would be an absolutely impossible task. It would be totally impossible to get around the boundaries of 500 000 acres and all that sort of stuff. It is a bit of a blackmail thing. To get back to the fire management plan, we do not think they should be mandatory because it would not even work. On stations now there is a mountain of paperwork to do. We almost have to have people sitting in offices all day just doing the paperwork, including fire management plans, and any sort of plan you could name. We are bombarded from everywhere due to legislation, regulations and all the rest of it. We are not getting any more for our meat than we did 10 and 20 years ago, and we cannot control markets and all the rest of it. We seem to be top heavy with so much work in this sort of line.

If there were codes of practice that had come from the pastoralists and the land managers themselves, it would be far more effective. If you try to put something in place with those people up there, I can assure you that if you say "Boom - this is going to happen," they would do everything in their mind to make sure that they dig their toes in. We have to work with this group. It is certainly coming out of our recent meetings that we believe that there should be something there in the way of a code of practice whereby our neighbours - quite often they are government agencies - are looking after their fire management well enough not to cause a threat to people who are doing so. We are in there trying to say we all need to work together, but when it comes to absolute mandatory legislation, the attitude at the moment is that there is a lot of opposition to it.

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**The CHAIRMAN:** My guess is that many of your pastoralists would already have management plans in place to protect their own properties. I am not saying that everybody has to do one, but considering that most of you probably have one already, would it just be better to compulsorily pass on those to FESA as well, so that it can hopefully advise on and improve that management plan, considering that it should have the experience? It would also be on record in case FESA has to turn out resources for that fire, and it would then know exactly what the management plan is.

**Mrs Webb-Smith:** What you have just said is very good, except for the word “compulsory”. We are all working very well towards developing more manageable working plans anyway, and FESA is now coming on board and helping us all do that. I think that the progression will happen, but to come in at this stage and say “compulsory” or “mandatory” will make it very difficult and put FESA and the government in a bad light again when it comes to the big stick approach, which will not work with the people who are working on the ground because we have been hurt so many times by sending off something that has been signed, and the litigation that comes on top of it. All of a sudden, we are responsible for fire, damage, injury and everything when we may never have lit the fire. It could have come from lightning or it could have been a deliberate fire. We also have so many groups with an interest. They are called stakeholders, but they are not stakeholders because they do not have money invested in these businesses and properties. However, they do have an interest. We are quite happy with everyone having an interest in these places, but they do not have to put their hand in their back pocket to buy graders and fire units and all the rest to try to suppress fires, and then go to court because they signed a piece of paper to say, “Yes, we will have that fire management plan that said we will burn that paddock in June 2007, but somehow we did not get around to it because there was not enough fuel in there, or the rain came at the wrong time.” Then, all of a sudden there is a big court case. We do not have the money to go to court.

**The CHAIRMAN:** Thanks for that, Ruth. I understand some of the things you are talking about. However, if FESA has access to or has copies of the fire management plans that pastoralists have already put in place, do you think that would help it coordinate across the large areas of land we have to deal with in Western Australia?

**Mrs Webb-Smith:** Definitely; I do not know one land manager who would say no to a request like that. That is why I say that I think it is building up. It is happening now. In the pastoral areas, they are building up a nice rapport. Would you agree with that, Henry?

**Dr Esbenshade:** Yes, and I would further add that, to participate in the aerial control burning program you must have a plan worked through FESA that meets the environmental protection, local government and other related legislation. There is already a considerable body of experience being developed on the stations that have participated in the ACB. Again, this is largely in the Kimberley, but that could be replicated across other parts of the pastoral estate.

**The CHAIRMAN:** I will give Russell the opportunity to comment, because I think he almost fell off his chair when I said “compulsory”. Do you wish to comment?

**Mr Thomson:** I support a huge amount of what Ruth is saying. I believe that fire management plans are just more paper and more bureaucracy, and more alienating of volunteers. In this part of the world, if you are going to go around and say everybody has to have a written fire management plan, you are going to build so much resentment that I just think it does not work. Maybe have your plan for a large-scale district fire, if you like, in agricultural areas. I do not have a problem with that, but keep away from the paperwork associated with small fires, because you are just building a bureaucracy, and we need to get on with the job, rather than shuffle paper all day. At the major level, FESA has an involvement, and at the minor level, go away and let us get on with the job.

**Ms K. HODSON-THOMAS:** I am trying to get some clarification of this issue, and what Ruth, Henry and Russell have said. I think you will find that the members of this committee all have commonsense, and we would like to see this matter resolved in that way. From my perspective, the

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one thing I understand you are trying to say is that it should be a voluntary program with FESA. Could I just get some clarification that that is the way you see the issue?

**Dr Esbensshade:** Yes, there is no question that the district committees of the Pastoralists and Graziers Association in both agricultural and pastoral areas have all said that they want to support a voluntary approach to managing the need for a greater response to fire issues. They do not support prescriptive action. We are doing it through cooperation with FESA.

**Mr M.J. COWPER:** One of the things I am hearing loud and clear as we travel around the place is the concern people have for the fact that they are going to be caught up in the process, rather than actually getting out there on the ground and doing the job. I have heard some sort of fire management plan for pastoral stations mentioned before. My experience is that some of the pastoral stations in the north are up to a million acres, and for a good part of the year they may have only two or three people living on them, and they will not have anyone on board until the mustering time, or maintenance programs after the wet season. I find it interesting that someone would ask a pastoralist to have a fire management plan, considering that there are usually only very limited resources on pastoral stations. I am a bit perplexed about why anyone would suggest that a pastoral station should have a management plan.

**Dr Esbensshade:** We have been through several drafts of FESA's recommendation 7, attempting to come to grips with that. We have not come to agreement with FESA.

**Mr M.J. COWPER:** They have only one fire officer in the north, based in Port Hedland, who is responsible for the Pilbara and the Kimberley. How on earth can that one FESA office cope on the ground?

**Dr Esbensshade:** That has been changed. FESA has broadened the scope of its staffing.

**Mr M.J. COWPER:** So now it has three?

**Dr Esbensshade:** I would not be able to give you the numbers, but there are more of them on the ground now, and they are aware of the problem.

**The CHAIRMAN:** I will just make a quick comment on the FESA recommendations that many people are referring to. Those recommendations form part of FESA's submission, and they will not necessarily be the recommendations of this committee. After we have done all our hearings, the committee will consider all the evidence it has been given and put its report together, which will take quite a while. We will be putting forward our own recommendations. While people have actually focused on the FESA recommendations, they are not necessarily the recommendations of this committee.

I am very conscious of the time, and we have other witnesses coming before the committee this morning, so I would like to give each of you the opportunity to make a closing comment. I know we have not gone through all our questions, but in some of your opening comments and the comments along the way you have covered just about every issue. Thank you very much for your assistance this morning. Henry, I will start with you.

**Dr Esbensshade:** I would like to raise two matters. The EPA is currently doing a review of fire issues in the Kimberley, the Pilbara and interior. There are submissions to that review that propose some stakeholder congress or council and some broadening of community involvement in the fire issue. We are very concerned that the people who are making a living in that area should participate. We would like a single fire authority in the pastoral areas, with FESA in charge to manage the extensive fires. We further think that the act needs amendment because local government is unable to manage the scale of fires in the pastoral areas, and this must be addressed. Finally, in the unallocated crown land of the state, native title has been granted over several areas, with exclusive possession. There is no understanding by FESA, CALM or others responsible for fire on government lands about how to handle these areas, and what their responsibilities are on those UCL areas, which are located largely in the Wanjinia area in the far north and the Karajarri

area south of Broome. These are very big areas, and fires have been created in those areas that have spread quite dangerously.

**The CHAIRMAN:** Ruth, would you like to make a closing comment?

**Mrs Webb-Smith:** Yes. I think Katie summed it up beautifully there before. Fire is natural. Sometimes there is too much focus on it. I can tell many stories about the so-called decimation of species, but when you wait 10 years, they are overflowing everywhere. All those things go up and down. We seem to be spending heaps and heaps of money on all that type of project or whatever, whereas I would like to see something more practically done. If there was any way of following that regional idea and having a board set up, it also may address what Russell was talking about, which was recognition of volunteers. If there are volunteer members on a certain board, all of a sudden you are looking at those issues too. Thank you very much for listening to us today.

**The CHAIRMAN:** Can I just ask you one question, because it is in your submission, and you also touched on it in some of your comments. It is about the prosecution policy in pastoral areas. You said this morning, and it was also in your submission, that the penalties should be increased in relation to the intention of lighting wildfires. Do you have an opinion on how much that should be increased? What should it be?

[10.45 am]

**Mrs Webb-Smith:** We have had fire officers and shire people tell us at our meetings that it is very difficult to prosecute. You can have the person right there and know that he has just lit this huge fire, but to actually have anything in the way of a prosecution is just water of a duck's back and everyone knows this in the Kimberley. Therefore, deliberately lighting fire seems to be not anything to worry about because they know there will be no result from it!

**The CHAIRMAN:** Is that as a result of evidence? Will increasing the penalties address that? Is it not about how the evidence might be presented or what evidence might be available?

**Mrs Webb-Smith:** We have raised this with Carol Martin also and FESA is also aware of it. I think everyone is in support of increasing penalties as a deterrent for deliberately lighting fires. Our problem in the north is the wildfires. It is not so much fire as wildfires which are the ones that sweep across the country at the wrong time of the year, burning everybody out, burning all the feed and, I imagine, having an effect on some species. We have to be careful about what we are talking about when it comes to fire in the north.

**The CHAIRMAN:** Thanks, Ruth. I have just picked it up from your comments and also in your submission.

**Mr Thomson:** I have a couple of brief comments. I believe the emphasis should be to support and encourage landholders and local government at a local level, because I believe that is where the activity is. As far as the representation on Ruth's regional body is concerned, I think the existing system is working in the agricultural areas reasonably well through the fire control officers hierarchy and through the local government hierarchy. I believe that we do not need to invent a new body. I think there is reasonable channels now that may be encouraged but I do not believe that we want to make a new system. I think it is working reasonably now.

**The CHAIRMAN:** Thanks, Russell. I thank everybody for their contribution to the committee's inquiry this morning. 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 and the sense of the evidence cannot be altered. Should you wish to provide additional information or elaborate on a particular point, you should submit a supplementary submission for the committee's consideration. If the transcript is not returned within 10 days of you receiving it, it will be deemed to be correct.

**Hearing concluded at 10.48 am**

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