

FIRE AND EMERGENCY SERVICES AMENDMENT BILL 2015

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Attorney General)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [4.09 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Fire and Emergency Services Amendment Bill 2015. This bill is an important part of the government's response to the report of the special inquiry titled "A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review", undertaken by Mr Mick Keelty, AO, APM. That inquiry was established by this government to examine aspects of bushfire risk management in the Perth hills area after the bushfire that destroyed 71 homes and damaged a further 39 in the Roleystone–Kelmescott area on 6 February 2011. The inquiry had specific terms of reference and ultimately made 55 recommendations.

Recommendation 3 was that the state, through the Western Australian Planning Commission, should be given responsibility for designating bushfire-prone areas. There is no express provision in any current legislation for any state agency to certify bushfire-prone area maps or designate bushfire-prone areas, and consequently development in bushfire-prone areas has not been guided by a standard that is designed to reduce the risk of bushfire to life, property or assets. Designation of bushfire-prone areas is required under a statutory power to trigger mandatory use of the Australian standard for building in bushfire-prone areas—Australian Standard 3959.

Following interagency discussions, the State Solicitor's Office advised that the Fire and Emergency Services Act 1998 is considered the most appropriate legislation to contain these provisions and that the Fire and Emergency Services Commissioner would be the most suitable officer to carry out this function. The designation of bushfire-prone areas is a prerequisite for the effective implementation of other measures recommended in the report relating to development in bushfire-prone areas. The suite of measures is intended to reduce the risk of bushfire to life, property and infrastructure, achieved through minimising the risk of new land development in areas of extreme bushfire risk; establishing mechanisms to ensure that bushfire risk mitigation is applied to new developments in bushfire-prone areas; ensuring that prospective purchasers of property in bushfire-prone areas are informed of the potential risk; and considering future incentives to facilitate the reduction of legacy risk for existing buildings in bushfire-prone areas.

The bill will provide for the designation of bushfire-prone areas by the Fire and Emergency Services Commissioner. An area will be designated as bushfire prone if it is an area that is subject, or is likely to be subject, to bushfires. A proposed development within an area designated as bushfire prone will require an assessment of the bushfire attack level. This assessment will then inform the standard of the proposed development to align with Australian Standard 3959.

The generation of the statewide bushfire-prone area map is being coordinated by the Office of Bushfire Risk Management, with local governments, where able, providing local assessments of bushfire-prone areas, and technical support provided by Landgate. The statewide map will be publicly available on the Department of Fire and Emergency Services website from 1 May 2015 following designation by the Fire and Emergency Services Commissioner, and will be updated on a regular basis. The suite of measures that support the reduction of bushfire risk to life, property and infrastructure has been a collaborative body of work between the Office of Bushfire Risk Management, the Department of Fire and Emergency Services, the Department of Planning, and the Department of Commerce, through its Consumer Protection and Building Commission divisions. The Interagency Bushfire Management Committee has been kept informed of progress and the Department of Local Government and Communities, and the Western Australian Planning Commission, were consulted during the development of the measures.

The Department of Planning, through extensive consultation with the community, local and state governments, and industry, has developed the "Draft State Planning Policy" on bushfire planning and revised the "Planning for Bush Fire Protection Guidelines". Once finalised, the bushfire planning documents will articulate the importance of addressing bushfire risk at the strategic planning stage; clearly specify requirements that must be met at each stage of the planning process, including structure planning, subdivision and development; improve consistency in administration, interpretation and implementation of bushfire planning controls, including referral agencies and mechanisms; and require non-residential development in bushfire-prone areas to address bushfire protection criteria.

Designated bushfire-prone areas are prerequisites for the effective implementation of the state planning policy. These measures, through their development and application, are supporting a growing awareness of bushfire risk to the community and enhancing communities and individuals' understanding and undertaking to manage

bushfire risk. The government considers the bill will reduce the bushfire risk to life, property and infrastructure through informed development.

I commend the bill to the house and table the explanatory memorandum.

[See paper 2897.]

Debate adjourned, pursuant to standing orders.