

**FIRE AND EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2012**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Minister for Energy)**, read a first time.

*Second Reading*

**HON PETER COLLIER (North Metropolitan — Minister for Energy)** [2.15 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Fire and Emergency Services Legislation Amendment Bill 2012. 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", which was conducted by Mr Mick Keelty, AO, APM. That inquiry was established by this government to examine all 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 46 was —

The State Government restructure the Fire and Emergency Services Authority as a Department.

This bill will amend the Fire and Emergency Services Authority of Western Australia Act 1998 by abolishing the authority and removing its board of management. A department will be established, pursuant to section 35 of the Public Sector Management Act 1994. Once the authority is abolished, the amended act will be called the Fire and Emergency Services Act 1998—the FES act. A ministerial body corporate will be established and have the role of providing a body corporate through which the minister can perform any of the minister's functions under the FES act, the Bush Fires Act 1954 and the Fire Brigades Act 1942. These acts are collectively called the emergency services acts. When the authority is abolished, the minister will be able to make a transfer order setting the assets and liabilities that may go to the ministerial body. Any matters not transferred to the ministerial body will become assets or liabilities of the state. The minister responsible for the administration of the emergency services acts will assume the powers that the abolished authority had in relation to acquiring and disposing of property. The minister will also be able to develop technology and hold copyrights and patents related to the purposes of the emergency services acts.

The bill sets out that the department will have a chief executive officer with the title of the Fire and Emergency Services Commissioner, who, subject to the control of the minister, will be responsible for the provision of emergency services in accordance with the functions that position is given under the emergency services acts. The FES commissioner will assume functions under the emergency services acts that are considered to be either operational in nature or required for the normal running of a department. Previously, the chief executive officer of the authority was not responsible for the immediate order and control of fire brigades; this function was carried out by the person appointed as the director of operations. This position has been abolished and the FES commissioner will be responsible for the control of all officers and members of fire brigades. This ensures that the FES commissioner is accountable for all operational matters that occur within the department.

The department will have a number of categories of staff who may be employed for the purposes of the emergency services acts. As well as persons employed under the Public Sector Management Act to assist with administrative matters, there is a category for operational staff. This will ensure that the uniformed staff in the department maintain their own unique identity and are recognised for the role that they carry out in assisting the community during emergencies. Staff will be transitioned from the authority to the department by the Public Sector Commissioner using the powers contained in section 22B of the Public Sector Management Act. This ensures that there is independent oversight of this process. Consequential amendments will also ensure that the superannuation entitlements of staff under the Fire and Emergency Services Superannuation Act 1985 are maintained.

The important role of volunteers in responding to emergencies in this state is also recognised by new provisions relating to advisory committees. Whilst the minister may establish advisory committees to advise on issues relevant to the emergency services acts, the minister is required to establish a volunteer advisory committee for each of the volunteer services established under the emergency services acts. Further, the minister must prescribe in regulations the association or body of persons that best represents each of the volunteer services, and the majority of the membership of a volunteer advisory committee must consist of persons nominated by the relevant prescribed association. These measures will ensure that volunteers have representation and the means to be heard regarding emergency service matters.

This government will ensure that the integrity of the emergency services levy is maintained by requiring the levy to be credited to the department's operating account, along with any other funds raised through the operation of

the emergency services acts. These funds can be used only for the purposes of the emergency services acts. Section 20(1) of the Financial Management Act 2006 allows the Treasurer to credit excess amounts of money in special-purpose accounts to the consolidated account. However, that provision will not apply to money held in the operating accounts of the department, ensuring that any funds not spent at the end of a financial year will remain for the use of the department for emergency service purposes.

The bill amends the Bush Fires Act 1954 and the Emergency Management Act 2005 so that police will have clarity regarding the use of powers already contained in those acts. These powers concern the movement and evacuation of people in and around the vicinity of an emergency and will make sure police are not hampered in their emergency management role by arbitrary divisions on who may exercise powers during an emergency.

The Emergency Management Act 2005 also has been amended so the State Emergency Coordinator can declare an emergency situation as was recommended by Mr Keely in recommendation 44 of his report. This amendment will ensure that if a hazard management agency has not declared an emergency situation, the State Emergency Coordinator may do so if it is felt it is warranted. Once the State Emergency Coordinator has made such a declaration, the hazard management agency responsible for the incident must act as though it had made the declaration.

The government considers that this bill will improve the ability to respond to emergencies by ensuring that there is proper oversight of the new department and that volunteers will be more engaged and able to provide advice through the volunteer advisory committees. The ability to access powers in the amended acts has also been simplified and should ensure a more efficient response to an emergency.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth. I commend the bill to the house, and I now table the explanatory memorandum.

[See paper 4668.]

Debate adjourned, pursuant to standing orders.