

Ms Margaret Quirk; Dr Tony Buti; Ms Lisa Baker; Mr David Templeman; Mr John Kobelke; Mr M.J. Cowper;
Mr Tony Simpson; Ms Janine Freeman; Mr Roger Cook; Acting Speaker; Mr Martin Whitely; Mr Tom
Stephens; Mr Chris Tallentire; Mr Paul Miles; Mr Joe Francis; Mr Mick Murray; Mr Peter Watson; Mr Rob
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FIRE AND EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2012

Second Reading

Resumed from 17 May.

MS M.M. QUIRK (Girrawheen) [4.29 pm]: Before I discuss the Fire and Emergency Services Legislation Amendment Bill 2012, I take the opportunity to acknowledge and thank, on behalf of all the people of Western Australia, the members of the State Emergency Service, Western Australia Police and Western Power—in fact all emergency personnel—for their recent extraordinary efforts in assisting in the clean-up after the highly unusual occurrence of a tornado that cut a swath through Dianella and Morley, and then attending to the 1 000 calls over the following days in the aftermath of a series of devastating storms. I am acutely aware that our SES volunteers do not do their job to attract praise, limelight or commendation; in fact, they are frequently embarrassed when it occurs. But at times such as these, we can all be thankful that in Western Australia there is such a professional, dedicated and highly motivated group of individuals who are prepared to assist their fellow Western Australians day or night, weekdays or weekends, in trying conditions and for no remuneration. To put it simply, thank you.

This bill is characterised as part of the government's response to the report of the special inquiry entitled "A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review". That inquiry was of course conducted by former Australian Federal Police Commissioner Mr Mick Keelty. This inquiry was established to examine all aspects of bushfire risk management in the Perth hills area after that bushfire destroyed 71 homes and damaged a further 39 in the Roleystone–Kelmescott area on 6 February 2011. I note that the minister in his second reading speech quotes selectively from the relevant Keelty recommendation. For the purpose of accuracy, I will quote this recommendation in full. Recommendation 46 states —

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

As part of this restructure, Emergency Management Western Australia should either be:

1. clearly separated from the fire and emergency services response function ... or
2. moved to the Department of the Premier and Cabinet ... or
3. moved to the Attorney-General's department ...

In other words, the fundamental thrust of that recommendation has largely been ignored. At page 162 of his report, Mr Keelty makes the point —

... the Special Inquiry found that FESA had not complied with the State's emergency management plans. It is for this reason that the Special Inquiry considers that the policy and emergency management planning function undertaken by Emergency Management Western Australia should be clearly separated from FESA's operational role.

At page 171, Mr Keelty states —

As noted earlier, the Special Inquiry believes the emergency management policy and planning function undertaken by Emergency Management Western Australia ... should be separated from FESA's operational functions. The purpose of this separation is to reposition EMWA to take a whole-of-government focus and to address the Special Inquiry's concerns that FESA is itself not complying with current State emergency management policies and plans.

I repeat: this bill does not implement in full Keelty recommendation 46. This recommendation of Mr Keelty was based on previous work undertaken by the Community Development and Justice Standing Committee in its 2006 inquiry into the fire and emergency services legislation. In that inquiry, it was recommended that the Minister for Police and Emergency Services or the Minister for Public Sector Management consider whether a review was warranted regarding FESA remaining as a statutory authority or being restructured as a department. That was the committee's recommendation 60. At pages 158 and 159, the 2006 report of the Community Development and Justice Standing Committee canvassed the model that was preferred, citing the submission of FESA. It states —

FESA recommends the dissolution of the FESA Board of Management and the establishment of the Emergency Services Advisory Board. The composition of the Advisory Board would generally reflect that of the existing Board of Management.

FESA believes that the model provides the emergency services volunteers with direct access to both the Director General and the Minister for Emergency Services ... Further, the Advisory Board members are

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legally entitled to represent the views of the volunteers at these meetings, with no compulsion to promote the corporate position.

If I can extrapolate there, one of the issues with the current board is that members who were appointed by virtue of their status in a particular way—for example, a representative of the union or a representative of certain volunteer groups—felt that they were bound by the confidentiality of the board and could not disclose the issues raised by the board to the very group that they represented. The report goes on to state —

FESA acknowledge that repealing its status as an authority and re-establishing the organisation as a department will involve some change management but consider the inconvenience and cost to be justified for the following reasons:

- *the Director General will become the person responsible for corporate adherence to Government policy and legislation, accountability in business practices and principles and the strategic direction of the organisation;*
- *the establishment of the Emergency Services Advisory Board will enable Board members to fully utilise their experience, expertise and qualifications in emergency services, and to provide a true representation of the emergency services volunteer groups;*
- *the establishment of an Advisory Board, as opposed to a Board of Management, will eliminate the conflict of interest issues that currently plague FESA's representative Board of Management. The members of the Advisory Board will be empowered to represent their member associations and committees without restriction; and*
- *the Minister for Police and Emergency Services will attend the meetings of the Emergency Services Advisory Board, and members will have direct access to the Minister outside of Committee time. This will increase the Minister's exposure to current emergency services initiatives and provide a high level forum in which emergency services volunteer issues might be discussed.*

The Keelty report concluded that the historical reasons for FESA having a broad structure were no longer operative. Mr Keelty concluded —

The Special Inquiry could not identify any reason why the functions of the Board could not be provided through a normal department structure, with responsibility for strategic direction shifting to the Minister. The Special Inquiry understands that the inclusion of representatives of various groups was designed to give a voice to the range of stakeholders when FESA was formed. However the Special Inquiry considers that time has moved on and it does not believe that the Board model is the best or only way to capture the diversity of FESA's business or consult with stakeholders.

From debate and inquiry following the Perth hills fires, it was apparent that, although the FESA board had de jure control of the operations of FESA, for some time the de facto control of the fire and emergency operations had been in the hands of the CEO, who acted relatively independently of the minister. The then minister did not make it his business to inquire into this situation. In recent times, the board was dysfunctional principally because it was kept in the dark on so many issues and had little or no contact with Minister Rob Johnson. I refer to a question that was asked in this place on 30 August last year by the member for Armadale. He said —

I note the minister's recent statement in Parliament when asked about meetings with the Fire and Emergency Services Authority Board. He answered —

Not as often; probably once or twice a year ...

I ask —

- (1) Has the minister met with the FESA board this year; and, if so, when?
- (2) When did the minister last attend a FESA board meeting?

Minister Johnson replied —

I have not met the whole board this year—not as an official board. I did last year. I regularly meet with the chairman of the board, and indeed many other members of the board. So, that is what I do.

The member for Armadale then asked a supplementary question. He asked —

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How many times did the minister meet with the FESA board in 2010? In his answer in Parliament last week when asked about the whole board, he said —

... probably once or twice a year ...

Mr Johnson said —

Yes, I met the board, I think, at least once last year. I think that is —

There was then an interjection from the member for Midland. The minister went on to say —

I think it was in December, but I would have to confirm that.

There was another interjection from the member for Midland, who said, “You have not met with them all year.” And that was the conclusion of that question. The minister was dissembling by saying that he had met with the board. As a consequence of that, I asked a question on notice because the minister was contending that, although he did not formally meet with the board, he saw its members at functions. I asked —

The 2010–11 Fire and Emergency Services Authority annual report lists that the Minister attended 25 functions in 2010–2011 and 22 in 2009–2010 and I ask:

- (a) can the Minister please provide a list of those functions; and
- (b) can the Minister advise at which of those functions, if any, did he have formal discussions with members of the FESA Board?

I will not go through the list due to the time. I commend the previous minister for his enthusiasm in at least turning up to functions, geeing up the volunteers and certainly being very personable and available for photo opportunities. For example, in that one year he attended the volunteer employer recognition program, the Metropolitan Volunteer Sea Rescue Group awards dinner, firefighter graduation ceremonies, the FESA senior management forum, the Volunteer Marine Rescue Western Australia annual conference, the StateAlert live trial, the bushfire forum, the bushfire summit, the opening of the FESA education and heritage centre, the opening of the Merredin volunteer fire and rescue station. And on it goes. There were 25 functions. As I said, I commend the minister for that.

The second question I asked was whether the minister could advise at which of those functions, if any, he had formal discussions with members of the Fire and Emergency Services Authority board. His answer was that it was not possible to answer that question with any accuracy because discussions occurred at many events. All of us in this place go to functions from time to time. We know that it is not possible to have any serious, sustained discussion about serious policy issues within an agency whilst juggling a canapé in one hand and a glass of mineral water in the other.

Mr T.R. Buswell: Sparkling or still?

Ms M.M. QUIRK: Sparkling, minister.

Last year Minister Johnson misled Parliament about his involvement. We can conclude that it was non-existent and that the minister was wilfully blind to the problems in FESA that were generally notorious at the time. I labour that point, because I believe it was wilful blindness on behalf of Minister Johnson that certainly compounded the element of dysfunction in FESA. I am concerned that he misled the house about his involvement. Most charitably, he can be regarded as disingenuous. So it is absolutely clear, Minister Johnson did not attend any Fire and Emergency Services Authority board meetings.

One obvious example of where the chief executive officer did not consult with the board was mentioned by Mr Keelty himself, who observed that the lengthy FESA submission to his special inquiry had not even been sighted by the board. I emphasise that my description of the board as dysfunctional is by no means a criticism of the board itself. My personal observations are that those on the board are a committed group of people who have a keen interest in emergency services and that they did their utmost under difficult circumstances. With the dissolution of the board, I take this opportunity on behalf of the community to commend board members for their efforts in what must have been trying circumstances in some cases. I commend board chair, Allan Skinner; deputy board chair and Bush Fire Services Consultative Committee chair, Bruce Brennan; State Emergency Service volunteer representative, John Capes; Bush Fire Brigade volunteer representative, Eddie Van Rijnswood; FESA employee representative, Mr Iain Agnew; Fire and Rescue Services consultative committee chair, Penny Valentine; Volunteer Fire and Rescue Service representative, Trevor Jones; independent member, Jenny Sales; State Emergency Service consultative committee chair, Sandra Gregorini, who was also deputy chair of the

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board in 2007–08; volunteer Marine Rescue Services consultative committee chair, Ross Monger; Marine Rescue volunteer representative, Elliot Fisher; and, finally Western Australian Local Government Association representative, Councillor Christine Thompson. I also mention Glenda Teede, who was on the board for some time.

In recent years the operations of the board were significantly hampered by a lack of oversight and communication with the minister and by overreaching of the chief executive officer, Jo Harrison-Ward. I mention that not as political point scoring, but to reiterate that irrespective of the structure, if a minister does not exercise some level of interest and supervision in the operations of our key emergency agency, the kinds of problems that Keelty identified will inevitably reoccur. I made these points in a matter of public interest debate in August last year. By restructuring FESA as a government department, it is argued that the state's emergency services response will be directly accountable to government. However, in a press release Minister Buswell said that as a result of this change, a new position of Fire and Emergency Services Authority commissioner will be created, which will have similar command and control capabilities to those of the Commissioner of Police. The commissioner will report to the Minister for Emergency Services. It is an interesting characterisation to describe the relationship between the commissioner of the fire and emergency services and the minister as the same as the relationship between the Commissioner of Police and the Minister for Police. That is uninformed, unsophisticated and potentially dangerous.

There are sound political reasons for there being distance between the government of the day and the Commissioner of Police. Those are well grounded in history and relate to the need for the separation of powers and the necessity that the executive arm of government is at arm's length from the criminal justice process. Police have the power to charge, the power to search and the power to deprive people of their liberty. It is fundamental that executive government not be able to direct police as to how these processes are conducted. But such is not—and should not—be the case with emergency services. I stress the word “services”. It is legitimate that the minister does have a greater capacity for oversight and direction than the police minister. We all agree that day-to-day interference with operational matters is not warranted. After all, a minister does not have the expertise, time nor training to be involved at that level. But in matters where there are competing priorities for the allocation of scarce resources, where there are questions about expenditure of emergency services levy moneys, where there is evidence of improper personnel practices, where there is conflict between FESA and a government agency that has the likelihood of impacting on the ability to deliver competent service to vulnerable communities, where volunteers are feeling ignored and exploited—in all those cases there is an imperative that the minister assume a greater level of responsibility. It is his responsibility to ensure that services are delivered. If he does not do so, the issue of his accountability to this house, as evidenced by the issues I have outlined in relation to his predecessor, will again inevitably arise.

I have heard the minister talk on several occasions about the need for us to move the dialogue forward and that blame allocation is unproductive. He said he wants to avoid that in the future. That is a very political response and it manifests a lack of understanding of the recent history of emergency management in this state. The reference in the title of the Keelty Perth hills inquiry to “a shared responsibility” intends to convey that, in Western Australia, the community must play its role and do what it can to mitigate disaster. If there is dialogue and analysis behind closed doors, how is the community to assess what are salient issues? Will the community have the information it needs to make decisions and act in a most effective and timely manner? The minister would well know from his study of economic theory many years ago at the University of Western Australia that not only do consumers tend to act in their best self-interest, but also their capacity to make informed judgements is affected by the information available to them. I appreciate from a government perspective there seems to be interminable debate about the Boorabbin fires, the Toodyay fires, the Perth hills fires, the Margaret River and Nannup fires, and the Carnarvon fires and floods, but there is a real appetite in the community to learn from our efforts and responses to those and other emergencies. There is an appetite to know whether, had things been done differently, we could have mitigated some of the damage incurred. It is in the public interest that we have informed understanding of these matters. From my observations even those directly and seriously impacted by such disasters do not have a blood lust wanting to single out and blame individuals who after all acted in good faith under difficult circumstances.

Mr T.R. Buswell: I understand what you are saying, but I think you may have misinterpreted my comments. Would you also agree that the mood that emerged, unfortunately for a little while, at the meeting in Margaret River was one of people saying, effectively, that they wanted a head? I make my comments in and around that type of approach that says that if there is an emergency or a fire or something that we have to deal with, there is a rush now to find somebody to blame. I do not have a problem in an open way of trying to work out if we can do

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things better, which is what you are talking about, but where there is a rush to find an individual to blame so that we can vent is where government and the leadership of FESA have a role to play.

Ms M.M. QUIRK: I disagree with the minister. I was at that meeting and I thought it was quite civilised.

Mr T.R. Buswell: I said for a period towards the end, but it clearly did emerge.

Ms M.M. QUIRK: I do not know that individuals were being blamed. I think there was certainly some disquiet about a particular agency. History will tell whether that was warranted. The bottom line is that people do not like being treated like mushrooms and, I have to say, the tendency for that to occur is compounding their injuries.

Mr T.R. Buswell: There is also a tendency to run around and find someone, be it a FESA employee or volunteer, whose head they can lop off if a procedure has gone wrong. The point I made at Margaret River was that if you chop off all the firefighters' heads, there is no-one else to put your fire out.

Ms M.M. QUIRK: I think to a person, everyone in that room was very grateful for the firefighters' efforts and their going above and beyond the call of duty to save as many homes as possible. They were not happy, however, with policy and decisions that had been taken other than on those days. They want to know how and why the disaster occurred or whether it could have been averted or the damage mitigated or what, if anything, they should have done in advance and how they could prepare in the future. They want to know whether the response to the emergency was well managed and whether others will in the future be susceptible to similar events occurring to them. All these, I think, are legitimate questions.

I sense, however, some reluctance on the part of government to engage in this discourse. If it wants to control information flow and shut down the debate, that would be very unfortunate. I will give an example of this. Despite annexing the submissions to the Keelty inquiry into the Perth hills fire report, those made to the Keelty inquiry into the Margaret River fires have not been made public. Attempts by me and a number of others to secure this information under freedom of information requests have been vigorously resisted on what I can only describe as specious grounds.

Mr T.R. Buswell: Did you get a response when you put an ad in the paper and asked them to send their —

Ms M.M. QUIRK: Yes, I did, and I am just about to quote from some of those submissions. Because I could not get the responses under FOI, at my own expense I put an ad in the *Augusta Margaret River Mail* seeking submissions from people who had sent them to Mr Keelty. I will quote from a couple of them to just demonstrate that they are, as I say, legitimate queries that, to date, have not been properly answered. I will not name individuals involved but I thank them for sending them to me. The first one states —

1. I received a FESA "Permit to Set Fire to the Bush" ... on 15/11/11. It was effective for 16 to 18/11/11. Early on Monday, 21/11/11, I rang Dave Kelly —

He is a volunteer fire brigade officer —

to get an extension & he said something along the lines of "No way, there are going to be strong winds Wednesday/Thursday with hot days; so give me a ring after Thursday". In other words, our Wallcliffe volunteer fire brigade knew that conditions were NOT conducive to burn offs; yet it seems that on that day the Prevelly coastal heath was still being torched by DEC...?? Where is the liaison with the local fires?

2. On 24/11/11, I had an appointment in Margaret River at noon & I was stopped at a police roadblock on Terry Road (2 cops from Bunbury); as I had not been aware that the roads had been "closed". They stated that our area was going to be evacuated. I responded that I had appropriate fire fighting equipment & was intent on saving my property, but they would NOT let me back; not withstanding that my wife was still at my home & I was NOT coming from MR. I subsequently found out that I was entitled to return ! Again, proper briefings need to be given as to our rights.

Another submission noted, according to my notes —

...biodiversity management burns such as this all follow a certain pattern and are based on a general lack of scientific data so that this burn is just one example of burns that potentially destroy what they are supposed to protect.

Pressure to achieve annual targets leads to taking unacceptable risks not only in this particular case. More and more areas are to be burned which leads to burning far too large areas at any one time; to burning several areas at the same time (as was the case here with 3 prescribed burns that consequently

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all escaped); and to burning too late in the season without any adaptation to changing climatic conditions.

Another submission reads in part, according to my notes —

The information provided by both DEC and FESA on their web sites was deplorable. We were made aware of a fire (BS520) at Ellenbrook at around 10am on Wednesday 23 November and we were told to watch for embers as the wind was very strong and blowing in a south-westerly direction. We closely monitored the web sites of both agencies and felt reassured when we saw that over a period of about two and a half hours there was no significant change: the fire continued to move but at a speed of only 200 metres per hour. We are located above Prevelly on a special rural block in Wilderness, which is approximately 12KM from Ellenbrook, which meant that if the fire continued to move at this rate it would take over 2 days to reach us. Nevertheless, we were not complacent and put our fire plan into action. As we were doing so, a member of the local bush fire brigade came hurtling down our drive and told us to evacuate immediately. This was at 1.15pm a mere two and three quarter hours from the time we had heard about the fire at Ellenbrook!! We later heard that minutes before our evacuation an 80 year old friend living about one kilometre from us smelt smoke, went onto his balcony to assess the situation only to find that it was on fire (He had to be rescued by police)!! In the meantime both the DEC and FESA websites were continuing to report the fire as still being at Ellenbrook.

The fact that this burn BS-520, was only one of at least 5 serious fires deliberately lit around the South-West, by the same department, at the same time, in the most dangerous of conditions and poorly tended, if at all, can only exemplify the degree of reckless abandon involved.

The manner in which they were lit, by helicopter in bush very difficult to access, then left to burn so that they would eventually flare up, adds more weight to the case of arson. It meant that DEC alone was responsible and entrusted to show the due diligence in managing the fires. We all knew they were DEC fires, and therefore expected that they be dealt with in a timely and efficient manner. Witnesses ... who saw the fires untended up until Tuesday night at Ellensbrook, with no-one visibly in attendance or at any close proximity)...all say the same thing. That they were surprised and alarmed to see such fires, in such circumstances, burning untended.

I think members will agree that all these submissions raise legitimate issues. They do not single out individuals; they ask questions and they pose matters to be considered that I think are quite reasonable. They are clearly perplexed that after many months the questions remain unanswered.

I am also aware that, in addition to the consultants who are looking into the Margaret River and Nannup fires, a major incident review, or post-incident analysis, was also completed by FESA early in the year. That has not been made public and I suggest to the minister that it should be made public. I am aware that the minister has privately expressed a view that these reviews should not be made public. For the reasons I have already given, I think that is pretty unfortunate.

Mr T.R. Buswell: Have I? Who did I privately express that to?

Ms M.M. QUIRK: I will not repeat a conversation that was repeated to me in confidence, minister.

Mr T.R. Buswell: That is very interesting because, given I only ever meet with one person to discuss FESA-related issues, I think you may well have dropped them right in the schmuck, assuming I had that conversation.

Ms M.M. QUIRK: It is unfortunate that the minister talks to only one person about FESA-related issues. The rationale for not making these reviews or analyses public is that there will be reluctance on the part of operational personnel to be frank and forthright in their opinions, and that, of course, is seen as counterproductive to why these reviews are conducted. I do not necessarily agree with that proposition. I am sure that if one knows in advance that there is a likelihood it could be tabled, things can be phrased a certain way without necessarily compromising the operational utility of such reviews. I also think there is an aversion to independent reviews. An old adage applies both in law and politics: never ask a question you do not know the answer to. So it was in the first Keelty inquiry; that caused a major problem for the government. Arguably, it went further than its terms of reference and it made a nonsense of both the Premier and Minister Johnson's assertions that the response to the Perth hills fires was managed responsibly. I think there is a systemic reluctance to initiate an inquiry over which little control can be exercised and the findings of which are not suspected in advance, and in a situation in which there is little capacity to sanitise the findings.

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As I said, the Margaret River and Nannup fires are the subject of a review; that review is now overdue. On 8 March 2012 my colleague and friend in the upper house Hon Ed Dermer put a question to the Premier, which was answered by Hon Norman Moore as the Premier's representative in the other place. He asked —

I refer to the Keelty report into the Margaret River fires in November 2011 and the recommendation that an independent person review the internal review of the Fire and Emergency Services Authority and the Department of Environment and Conservation.

- (1) Has a person been appointed to do that review as yet?
- (2) If yes to (1), who has been appointed and when will this review be completed?
- (3) If no to (1), why not and when does the Premier anticipate making the appointment?

Hon Norman Moore replied —

I thank the member for some notice of this question.

- (1)–(3) The request-for-quote process for an independent person or organisation to facilitate and report on the post-incident analysis for the Margaret River bushfire of November 2011 is still taking place, but an appointment is expected before 12 March 2012. The successful tenderer will be expected to complete the review and provide a report by 30 April 2012.

I am aware that that has not occurred.

The Keelty report into the Margaret River fires recommended independent oversight of the review of the management of the fires. However, again, the Barnett government's approach has been far from independent. The so-called independent oversight of this review of the management of the fires is to be submitted to the State Emergency Management Committee. That committee includes the Commissioner of Police or a police representative; the Chief Executive Officer of the Fire and Emergency Services Authority, Wayne Gregson; and the Director General of the Department of Environment and Conservation, Keiran McNamara. On the basis of its membership alone, the committee cannot be considered to be truly independent; all those individuals have a vested interest in ensuring that their respective agencies are not subject to criticism or censure. It also appears that the committee will receive draft copies of the reports and, by inference, will be able to edit and change them.

The people of Margaret River and Nannup have been extremely patient; the Keelty report into the Margaret River fires was limited in its terms of reference, and did not consider how the fires were actually managed. These reports will be the first opportunity for them to get information on a range of concerns. I also have some reservations about the consultants who have been appointed to carry out this post-incident analysis. They have been used by DEC on a number of occasions, including for the Toodyay fires, and have no doubt formed relationships with DEC personnel and would be hopeful of obtaining further work in the future. That is a matter for concern. Similarly, calls for submissions to the review were sought on the Thursday before Easter. They were not widely publicised, and allowed only two weeks for submissions to be made. Also, the format in which submissions were to be given was by way of answers to set questions; that, in itself, is a process that is not open and limits the scope of matters being taken into consideration. This all demonstrates to me that the Barnett government feels that it needs to be in cover-up mode and damage control. Whilst it has apologised and accepted responsibility, in my view actions speak louder than words. The shabby and somewhat secretive way the government has treated south west bushfire victims renders that apology worthless.

I also make the observation that, in terms of accountability, the government is currently lacking coordination in how it responds to questions on these and other issues. As it was the Department of the Premier and Cabinet that let out the tender for the post-incident analysis, I asked the Premier during question time in this place when he anticipated we would see the review, only for him to fob me off by telling me I should have asked the question of the Minister for Environment. When I followed up with the Minister for Environment in the estimates hearings, I was told that I should have directed my questions to the Premier.

I then again asked my colleague in the upper house Hon Ed Dermer to put another question to the Premier on this matter. On 14 June 2012 he asked —

I refer to the Premier's answer to question without notice 53 of 8 March 2012 relating to the report on the post-incident analysis of the Margaret River fires that was to be completed by 30 April 2012.

- (1) Has the government received the report?
- (2) If not, when does the Premier expect to receive it?

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- (3) Will that report be considered by the State Emergency Management Committee before it is tabled?
- (4) If yes to (3), on what date will the SEMC meet to consider the report?
- (5) On what date does the Premier anticipate that the report will be tabled?

Hon Simon O'Brien replied —

I thank the honourable member for notice of this question. I answer on behalf of the Leader of the House.

- (1) The government has not yet received the final reports.
- (2) The delivery date for the final reports has not yet been agreed to.
- (3)–(5) The final reports will be transmitted to the chair of the State Emergency Management Committee who will make the necessary arrangements for the consideration and preparation of advice to the government.

All the while, Margaret River victims are yet to receive any of the assistance moneys that the government promised; I will return to that later.

The minister recently announced, as part of the government's response to the Keelty report, the establishment of the Office of Bushfire Risk Management. It is early days and we are yet to see how it will operate; it is currently in the recruitment phase. It is intended that the OBRM will independently assess the risks of prescribed burns undertaken by the Department of Environment and Conservation. I have to stress that this is an administrative mechanism, and there is no legislative grounding for this oversight, nor any sanctions, that I can discern, if the process is not followed. I understand the new office will report directly to the CEO of the Fire and Emergency Services Authority and the commissioner once this bill is passed. It is intended the OBRM will assess the risks of all prescribed burns, as well as the level of resources available should such burns flare out of control. The rationale for this is to ensure that the prescribed burning process is independently scrutinised before ignition of the burn, and the OBRM has the authority to direct a burn to be delayed or even cancelled if it deems the risks to be too great.

The minister said in a press release that, once fully established, the OBRM will ensure that the future approach to bushfire risk mitigation programs and decision making is consistent with international risk management practice, and that it will also facilitate greater information sharing and coordination between agencies involved in prescribed burning and management of bushfire-related risks generally.

We will need to be vigilant that this does not create an additional level of bureaucracy without corresponding increases in front-line capability. Although the government allocated an additional \$81 million in response to the Keelty reports, this does not represent a marked increase in firefighter capacity for DEC in the south west. DEC is recruiting an additional 28 firefighters over the next four years, which is way short of requirements, especially in view of the increasing demands and heightened risk that a drying climate imposes.

I next want to talk about the resignation of Commissioner of Police Karl O'Callaghan as chair of the State Emergency Management Committee to ensure, in the words of the media, that the SEMC has more independence from government. I find this extraordinary. I ask the question: why does the SEMC chair need to be independent of government? Surely the SEMC acts as a coordination body, harnessing all government resources. I find this a little intriguing. On top of that, it will not relieve the commissioner of his statutory duty as State Emergency Coordinator. As this bill indicates, if a hazard management agency is dilatory in declaring an emergency, the State Emergency Coordinator will declare it. I find the resignation of the commissioner quite extraordinary.

I note that many of the Keelty recommendations for the Perth hills inquiry have not been implemented. I concede that a considerable amount of work is being undertaken to implement many of these recommendations, but there seems to be a bureaucratic impasse on a number of significant recommendations. In its response to the Community Development and Justice Standing Committee examination of bushfire preparedness for the 2011–12 season, the government noted two key recommendations that I think are essential; that is, an integrated fuel load assessment and management. A number of Keelty recommendations deal with fuel load identification mapping and management. Bushfire risk identification and management is a critical issue and one that requires a strategic and measured approach to achieve an effective long-term solution. In this regard the Bushfire Review Implementation Group has established a project team to develop proposals for an integrated bushfire risk

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management system. The project team consists of state and local government representatives and a volunteer representative. The project covers a number of Keelty report recommendations but will go beyond these individual recommendations to develop a comprehensive, integrated bushfire risk management system for WA. Two of the bushfire review working groups are focused on bushfire risk mitigation and management, and the project team will report to these groups. In other words, the government has formed a committee or some committees.

Another recommendation that I think is also very significant relates to the declaration of bushfire-prone areas. The government's response to recommendation 3 of the Keelty report is that it is not within the power of the Department of Planning and the Western Australian Planning Commission to transfer responsibility for declaring bushfire areas to the WAPC, as this action requires amendment to legislation, including the Local Government (Miscellaneous Provisions) Act 1960. Furthermore, the project team established to develop proposals for an integrated bushfire risk management system will be examining the appropriate body to declare areas bushfire prone. Amended legislation may then follow the outcome of the decision. Both those responses are laughable and something that Sir Humphrey would be incredibly proud of. They are of concern and if this matter was not as serious as it is, we certainly would be laughing. Other recommendations appear not to have been completed or only partially done. Things like ember guards on schools in bushfire-prone areas are still very much a work in progress.

I am disappointed that the government did not take the opportunity of this bill to implement some mechanism for a greater level of transparency on how the emergency services levy moneys are collected, allocated and spent. One of the key recommendations of Keelty that the government is rejecting out of hand is to move the administration and allocation of proceeds of the ESL to the Department of Finance for greater transparency.

During estimates hearings this year we found that the total take from ESL in 2008–09 was \$157 million and will rise to \$231 million by 2012–13. Since 2008 the ESL has risen 44 per cent. It is said that this rise is based on the average household; however, many are paying substantially more because it is tied to gross rental value changes. I will give members a few examples. In one example in my electorate, residents in Loxwood Road, Balga are paying 67.3 per cent more for their ESL, which went from \$120.46 in 2008 to \$201.55 last year. Residents of Dunrossil Place, Wembley Downs paid \$215 in 2008 and by 2011 this had increased to \$280; a rise of 30.2 per cent. The ESL for residents of Beach Road, Watermans Bay was \$180.80 last year; a rise of 35.1 per cent from \$133.85 in 2008. Residents of Windell Street, Innaloo paid \$127.76 in 2008 and last year they were charged \$174.88, an increase of 36.9 per cent.

Mr P.T. Miles interjected.

Ms M.M. QUIRK: I do not invite these interjections from the ignorant member for Wanneroo.

The ACTING SPEAKER (Mr J.M. Francis): Member for Wanneroo!

Ms M.M. QUIRK: I do not consider that the modest capital works program —

Mr P.T. Miles interjected.

The ACTING SPEAKER: Member for Wanneroo!

Point of Order

Mr D.A. TEMPLEMAN: Mr Acting Speaker, it is very clear that the member for Girrawheen is not inviting interjections from the member for Wanneroo. You have called him to order twice. I would hope that he will be called to order formally if he continues to interrupt.

The ACTING SPEAKER: Thank you, member for Mandurah; I do not need your assistance. But I will say to the member for Wanneroo that if you do interject consistently, I will call you to order.

Debate Resumed

Ms M.M. QUIRK: I made the observation that many parts of the electorate of the member for Wanneroo are in a bushfire-prone area, and I look forward to hearing him speak on the issue.

Mr P.T. Miles interjected.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Member for Mandurah! Member for Wanneroo, I am going to call you to order for the first time today. Member for Mandurah, I did say that I did not need your assistance. Thank you anyway, but

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I will also call you to order for the first time today. Member for Girrawheen, it would probably assist your cause if you did not single out members opposite you.

Ms M.M. QUIRK: Thank you, Mr Acting Speaker.

I am saying that I do not consider the modest capital works program that the Fire and Emergency Services Authority is embarking on has kept pace with the quantum of increases in the ESL that have been collected. It is difficult to discern from the way things are reported at the moment whether the increased ESL relieves the government of contributing its fair share from consolidated revenue. Certainly I think the issue about transparency is well made in that case. I also note that the government has flagged that it intends to re-gazette a number of areas on the urban interface, which is likely to result in more people paying the ESL and possibly at higher rates. We do agree that there needs to be upgraded vigilance and equipment in those areas, but I make the point that more households may well be subject to the ESL.

In general terms, the bill is technical in nature. It deals with the transfer of property from FESA through to this new government department and it empowers the minister to make various dispositions of property, holding intellectual property and so on—all those technical issues that need to be made when an agency turns into an agency such as this. I am advised that 22 sets of regulations will need to be drafted to support these changes, and I think much of the detail on the day-to-day administration will be contained in those regulations.

I also want to make the point at this stage that much of where we are today results from deliberations that occurred in committees that were set up as a result of the Keelty inquiry into the Perth hills bushfire. The context of those discussions, therefore, was very much on bushfires. As we know, FESA performs a number of other activities outside of bushfire areas. It is arguable, though, that the volunteer representatives, who are predominantly brigade members and members of other branches of the emergency services, were unable to be heard adequately on their thoughts on the status and future complexion of FESA. I understand the minister has latterly consulted a number of volunteers, and I know that was very much appreciated.

Mr W.R. Marmion: What do you mean “latterly”? Do you mean that I have not been consulting them from when I got to this position?

Ms M.M. QUIRK: No. I am saying that both FESA and the minister’s predecessor did not enter into discussions on the nature or structure of FESA; so I am giving the minister a compliment. It is true to say that certainly in the past volunteers felt ignored and exploited and their local knowledge was not called upon. Any measure that will improve the level of consultation is welcomed. One of the overriding problems for the likes of the minister is that there are some 32 250 volunteers in Western Australia, but almost 26 000 of those are under local government control. That is a problem. We still have a situation in which if a volunteer firefighter with a local government is injured, they are under a different regime than they would be if they worked for FESA. That is very regrettable. I raised that issue in Parliament last year when I spoke about Pamela Story. I hoped that that anomaly could be remedied.

It is also difficult to manage an emergency services agency when, although there are local coordinators and direct managers, a lot of volunteers are outside the purview of that agency.

Mr T.R. Buswell: If in due course, in the decades or so ahead, the political pendulum shifts and you contemplate reform in that area, tread with caution.

Ms M.M. QUIRK: With all due respect, given what the minister’s beloved leader has said, I do not think that will happen, will it? I will be farmed off to some other portfolio if I am not too old or too female to get anything at all.

Mr P.T. Miles interjected.

Ms M.M. QUIRK: Or, as the member for Wanneroo says, I will not be here.

The new provisions of the bill better respond to the needs of volunteers and we very much look forward —

Mr T.R. Buswell: Member, can I just make another point?

Ms M.M. QUIRK: I have only nine minutes, minister.

Mr T.R. Buswell: It will take 10 seconds. We met with the volunteers early on and we gave them an undertaking that they could look at the draft legislation. We have changed a number of elements around those committee stages to pick up on some of the concerns that they raised.

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Ms M.M. QUIRK: That is excellent, minister. However, we will need to know—this is part of the reason we will need to go into consideration in detail—the details of how those committees will operate and what the minister’s responsibility will be in how the committees work.

Mr T.R. Buswell: I might have the final sign-off; you never know.

Ms M.M. QUIRK: That is something I certainly want to look at.

I do not know what the authority will be called. Will it just be Fire and Emergency Services Western Australia? We are all so used to saying “FESA”.

Mr T.R. Buswell: I will have to get some advice on that.

Ms M.M. QUIRK: Whatever it will be called—“son of FESA” or whatever—the current CEO will become a commissioner, but essentially he will be accountable for all operational matters. I make the qualification I made earlier that that should not relieve the minister from having significant oversight of the agency.

After the Margaret River and Perth hills fires, some concerns were expressed about the lack of clarity with police powers in evacuation circumstances. We welcome the fact that this bill will remedy that uncertainty. Amendments to the Emergency Management Act will also be brought in so that in an emergency situation in which a hazard management organisation is dilatory, the State Emergency Coordinator, who is by definition the Commissioner of Police, will be able to call an emergency. As I said, that is a bit interesting now that he will not be the chair of the State Emergency Management Committee. I am not sure why there is a need for an independent person. It seems to me to create another level.

Mr T.R. Buswell: The hazards that are often managed by the State Emergency Coordination Group are not always hazards that police manage.

Ms M.M. QUIRK: I am aware of that. We will talk about that in consideration in detail. There seem to be some inconsistencies with ownership of fire hydrants. Amendments relating to fire hydrants are currently going through in the Water Services Bill that do not seem to match the provisions in this bill. I will ask the minister for some clarification on that. When I talked to the minister’s advisers about that, they said that they were not sure which bill would go through first. It seems odd that we have two bills in Parliament with inconsistent provisions and that they are going through this place at the same time. It would be excellent to get some clarification on that aspect. As I said, although the opposition will support this measure, we are not sure whether it means that the minister will assume a greater responsibility than that of his predecessor.

We hope that this new and greater responsibility will also signal greater openness and that the minister will table in this place the major incident review or post-incident analysis that FESA has already prepared on the Margaret River fires; we have not seen that yet. Also, as a member of cabinet, will the minister make representations that his constituents will get paid shortly for the Margaret River fires?

The final word needs to go to the victims who experienced property loss at Kelmscott–Roleystone, Toodyay, Margaret River and Nannup. It is arbitrary and unfair how assistance schemes have been set up and distributed. The government has made clear that these schemes are not by way of compensation, but are to assist residents who have suffered the trauma and displacement of losing their homes. Since it is unrelated to liability, it seems inequitable that the trauma suffered by Perth hills residents is seen as less worthy of the same level of assistance that is being given to victims of those other fires.

In the cases in which the government has admitted some level of responsibility, such as Margaret River and Nannup, it seems inequitable that small businesses directly impacted upon, leading to a loss of livelihood, will receive no compensation whatsoever. Assertions such as, “If residents have a problem, they can always go to the courts”, are insensitive and lacking in empathy. Many residents are either constitutionally or financially impaired from taking this course of action. The delay in rolling out compensation is unconscionable. The fact that the Premier was unaware when contacted on ABC talkback radio recently that no WA government money had yet been distributed to Margaret River victims speaks volumes about this government’s priorities. He can wax lyrical about what colour the seats will be in a stadium that will not be completed until 2018, but he is not interested enough to expedite assistance payments or to give Margaret River and Nannup residents the answers that they have been patiently waiting for since November last year. The Premier’s dismissal that these houses were largely holiday homes is glib and inaccurate.

One resident recently told me that his year 12 daughter had lost all her study notes for her forthcoming exams and that he had lost his father’s war medals. Compared with loss of life, these items are of little consequence, but to individuals, they are irreplaceable and of great personal significance. Every victim would have similar stories

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to recount. Many will be suffering post-traumatic stress disorder and having to rebuild their lives while coping with this debilitating condition.

The government should be there to assist, not hinder. In his heart of hearts, can the Premier honestly say that this government has done everything it could to assist the victims of these fires?

DR A.D. BUTI (Armada) [5.18 pm]: I rise to talk about the Fire and Emergency Services Legislation Amendment Bill 2012. At the outset, I thank all the firefighters, including the careerist firefighters and the volunteer firefighters, and of course other emergency services personnel, for the outstanding job that they do year in and year out in trying to fight, contain and prevent fires. I say “careerist” firefighters rather than “professional” firefighters because the volunteer firefighters—the Acting Speaker (Mr J.M. Francis) is one—sometimes get a bit touchy when we do not refer to them as professional. They are also professional, but of course they do not do it as a full-time occupation. I prefer to say “careerist” for the fully fledged full-time firefighters; volunteer firefighters are, of course, professional. Over a number of years I have come to know a number of firefighters, both careerist and volunteer; they are outstanding people. While I am congratulating people, I should also congratulate the outstanding work the United Firefighters Union of Western Australia does for its members, headed by Kevin Jolly, Graeme Geer and Lea Anderson. I think the union represents something like 99 per cent of firefighters, which shows the outstanding job it does for its members.

The minister’s second reading speech refers to this bill being part of the government’s response to the Keelty report that resulted from the inquiry, instigated by the government, into the Kelmscott–Roleystone bushfires of 6 February 2011. Recommendation 46 of the report was that —

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

Basically, that is the parameter of this bill, and it will create a Fire and Emergency Services Commissioner. The second reading speech states that the former body will be abolished, and with it the position of chief executive officer. The newly created Fire and Emergency Services 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.

We will look at this in more detail later, but *prima facie* I think it is a good idea to try to have someone in the department with responsibility for operational matters, otherwise the buck could be passed, which can be a perennial problem in the public service. Of course, as mentioned by the member for Girrawheen, the minister is ultimately responsible, and I dearly hope that this minister will not adopt the former minister’s attitude to responsibility. The minister formerly in this position seemed to go by the Sergeant Schultz of *Hogan’s Heroes* excuse of, “I know nothing, I see nothing, and I hear nothing!” I am much more confident that the current minister will not be using the *Hogan’s Heroes* —

Mr T.R. Buswell: Sergeant Schultz only ever used to say, “I know nothing”; he never used to say the last two bits.

Dr A.D. BUTI: Did he not? What did he used to say then?

Mr T.R. Buswell: He used to say, “I know nothing”; I never heard him say the other bits.

Dr A.D. BUTI: He did.

Mr T.R. Buswell: You made that up!

Dr A.D. BUTI: I challenge the minister: we will get a videotape out —

Several members interjected.

Mr T.R. Buswell: No, the member for Southern River would know!

Dr A.D. BUTI: As a great fan of *Hogan’s Heroes*, I can assure the minister that Sergeant Schultz used to say, “I know nothing, I see nothing, and I hear nothing!”

Mr T.R. Buswell: Are you sure?

Dr A.D. BUTI: I can assure the minister that he did say that.

Mr T.R. Buswell: Are you sure that wasn’t the bloke on *Dad’s Army*?

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Dr A.D. BUTI: Seriously though, returning to the bill, it is of course very important to have a line of responsibility. The Fire and Emergency Services commissioner, as stated in the second reading speech, will be accountable for all operational matters within the department, but the minister, of course, will be ultimately responsible for ensuring that the proper systems are in place. That does not necessarily mean that the minister is responsible for every minor error that may occur in the department, but of course the minister is responsible for ensuring that there is proper oversight and the proper systems are in place.

The second reading speech then referred to the important role of volunteers during emergencies in this state, and that this bill includes provisions related to advisory committees. It was heart-warming that the minister recognised the importance of volunteers in responding to emergencies in this state because bush fire brigades play an important role, particularly on the fringes of the metropolitan region. The member for Girrawheen grieved to the former Minister for Emergency Services on 23 June 2011 about the sad issue of Pamela Story. I am sure the former minister remembers that story, which was that Pamela was injured while assisting in fighting the Kelmscott–Roleystone bushfires in Bullsbrook, in the member for Darling Range’s electorate. Then, for whatever reason, she went through major trauma trying to get some form of compensation. During the member for Girrawheen’s grievance on 23 June, she outlined the history of Pamela’s accident and her fight for some form of compensation. I do not know whether the matter has finally been resolved to Pamela’s satisfaction, but there has been quite a bit of movement. But I must say it was a blight on our insurance system that a volunteer firefighter injured in the call of duty had to fight for compensation, and I query whether the government could have stepped in and awarded Pamela Story an *ex gratia* payment. She waited months and months for compensation, and was unable to find work because of her injuries. Of course, she could not put in a workers’ compensation claim because she was not in paid employment; she was a volunteer. I think we need to seriously consider the plight of volunteers, and we need to develop a better system of compensation for volunteers injured in the call of duty. I hope the minister will consider that in due course.

The second reading speech stated —

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.

The issue of the emergency services levy is quite interesting. It is supposed to be collected to help fund emergency services personnel and equipment et cetera, but there are a lot of volunteer firefighters on the outskirts of the metropolitan and rural regions. As the member for Darling Range and Mr Acting Speaker (Mr J.M. Francis) are aware, quite a large contingent of volunteer bush fire brigades do a lot of the work. There is a careerist fire brigade in Armadale—are there none down the member for Darling Range’s way?

Mr A.J. Simpson: No.

Dr A.D. BUTI: There is one in Maddington, and I am not sure where the one out west is.

Mr A.J. Simpson: Cockburn.

Dr A.D. BUTI: So there is Cockburn, Armadale and Maddington, and the volunteer bush fire brigades plug the holes. I would be interested in knowing whether that emergency services levy is used to offset or assist the volunteer bush fire brigades, or is it just for the careerist fire brigade services? If it goes only to the career fire brigade services, are the residents of my and the member for Darling Range’s electorates being short-changed? If that money goes only to the professional fire brigade services—there are very few careerist fire brigade services in our area—how is that money being allocated to other areas? There is no doubt that all careerist fire brigade services, such as those in the city and Bayswater, do an important job, but I argue that there is a greater need for resources on the outskirts of the city, where there is a greater threat of major bushfire problems in the hot summer months than there may be in areas closer to the city. But, of course, I am not trying to devalue the services in the city. My nephew is in a career fire brigade attached to a service nearer the city, which does an unbelievable job. A lot of its work is with motor vehicle accidents rather than fighting fires. I think there needs to be greater thought put into how the levy is distributed.

Mr T.R. Buswell: I think I might arrange a briefing for you so you can understand what happens, because it is a lot more complicated than you have made out. I will give an overview, but if you have an interest in the detail, I will go through it. The answer to the question you have asked is basically no. In other words, the ESL funding flows through to volunteers, both bushfire and SES, via grants that come up through local government. Money also flows to the volunteer Fire and Rescue Service, as it does to the career Fire and Rescue Service. If you look in the budget papers, you will see that the volunteer Fire and Rescue Service and career Fire and Rescue Service

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are generally listed as line items, especially in the capital component of the budget papers. But I am happy to arrange a briefing for you because it is an important thing to understand.

Dr A.D. BUTI: I thank the minister. I suppose my question is: is it in the right proportion? But, of course, that is a value judgement that all governments have to make from time to time. The role of volunteers is noted in the minister's second reading speech, and I have made some notes about that.

The issue of fires is synonymous with the history of Australia and the landscape of Australia. We all know that we live with the constant danger of home fires, but more so bushfires. It is just because we live on a very hot, dry continent. I read a very interesting book recently called *Kinglake-350* by Adrian Hyland. It is about the Black Saturday bushfire on 7 February 2009 in Victoria. I recommend this book. It is very well put together and is quite moving. I turn to page 160 of the book where it refers to the history of bushfires and fires in Australia. Under the heading "Legends of Destruction", it states —

The pages of Australian history are so scorched with the legends of the fires that have roared through them that we are running out of days for which to name them: Black Thursday, Red Tuesday, Black Tuesday, Black Friday, Ash Wednesday.

Further down the page it states —

Fire was a constant threat to the growing prosperity of rural Australia but by 1939 the country had settled into a kind of she'll-be-right apathy, its eyes more fixed on the storm clouds gathering over Europe than the pyrocumululus ones building in its own backyard. Australians were shaken out of that complacency by the sudden ferocity of Black Friday. That holocaust claimed seventy-one lives, burned close to two million hectares, destroyed timber mills, farms, entire towns.

Then of course we had Ash Wednesday on 16 February 1983. I do not think the member for Ocean Reef would recall Ash Wednesday in 1983. He would have been pretty young.

Mr A.P. Jacob: I was three.

Mr T.R. Buswell: I was in high school.

Dr A.D. BUTI: Sorry, minister. I was in university, but I am sure that we remember it, though, do we not?

Several members interjected.

Dr A.D. BUTI: Yes, we do remember it.

The book refers to the bushfires in Hobart and of course the Canberra bushfires of 2003, which were just unbelievable.

Mr I.C. Blayney interjected.

Dr A.D. BUTI: In Canberra? Ash Wednesday? Yes.

I would like to read this out because I think it is important. The chapter concludes —

Despite this constant threat of attack, our collective memory is short and the ... lure of the bush strong. More and more of us are taking the gamble and moving out into the flame zone. Tree-changers are relocating onto the peri-urban fringe, investing their all in flammable dwellings on north-facing ridges or in green glades in the midst of towering forests. Even sea-changers often ... find themselves in areas vulnerable to bushfire: —

Margaret River, for instance —

on Ash Wednesday the communities along the Great Ocean Road were among the hardest hit.

The demographics are startling. One study of three major Australian bushfires found that all houses within seven hundred metres of bushland were in danger and that the highest risk was for those within fifty metres. Four percent of the residents of our capital cities (excluding Darwin) live within that highest-risk area. Twenty percent are within seven hundred metres—that's more than 1.5 million households in the capital cities alone. If rural towns are taken into consideration, that amounts to some two million households—around four million people—living within striking distance of what their great-grandparents called the Red Steer.

[Member's time extended.]

Dr A.D. BUTI: I will conclude the quote —

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The predictive map drawn up by Kevin Tolhurst and his team on Black Saturday indicated, as we have seen, that the inferno was poised to descend upon the heavily populated outer suburbs: Greensborough, Eltham, Warrandyte.

Next time there may not be a wind change to save them.

The chapter concluded with the issue of wind change. Returning to the Kelmscott bushfire of 6 February 2011, although the wind, which was very strong that day, of course flamed the bushfires and destroyed 70-odd homes, if the fire had been going the other way—I am sure that the member for Darling Range can appreciate this—we would have probably lost lives because the fire would have gone up the hill towards Roleystone. The ability to exit Roleystone is very limited; there are basically two roads out of Roleystone. Although I do not want to say that, thankfully, the wind was blowing easterly rather than westerly, which often is the case on a summer afternoon, the fact is that lives were spared. In this case, because the wind was blowing in the direction that it was, lives were spared. But if there had been a wind change, there would have been, unfortunately, human fatalities.

Mr P. Abetz: It is just as well it is beyond our control which way the wind blows.

Dr A.D. BUTI: I wonder whose control that might be, member for Southern River.

Mr T.R. Buswell: It is www.bom.gov.au.

Dr A.D. BUTI: There were no fatalities, and that showed the good work that was done by the firefighters. Of course, the work done by the firefighters on that day was fantastic, but we have to put it in context: all we needed was a wind change and maybe we would be talking about deaths on 6 February 2011 in the Kelmscott–Roleystone area. The bushfire on 6 February 2011 affected numerous families. It also affected the community. It affected my community and the community of the member for Darling Range. One hundred and ten families lost homes or possessions in that bushfire. I would like to take the time to read a story written by Sky O’Brien, who at the time of writing this was a year 10 student. He and his mother lost their home. This story went on to win a prize in the local writing competition in the City of Armadale. It is called “Escaping Reality”. He states —

The sticky, clinging heat is unbearable. And no matter what I do, I’m constantly overwhelmed with the feeling of throwing up. Normally, at four o’clock in the afternoon, the temperature should start to cool down, allowing a break from the demanding job of swatting flies. It isn’t to be. The furnace I find myself in is like a trap—I’m stuck and there’s no escape in sight. And to make matters worse, I’m in a non-air-conditioned van, full of people, who, like me, are slowly melting. A muffled murmur touches my ears, making its way from the front of the van where the driver and a FESA passenger are talking quietly.

Other than that—silence. Around me, weary and tired faces gaze fearfully out the dirty windows of the old van. The eyes of other passengers look lost and bedraggled, their foreheads creased with the anxiety of not knowing. They’re afraid, and can’t bear the thought of venturing out into the inevitable truth that awaits them. What awaits us. There’s also a smell. A nasty smell which creeps up through my nose and sends alarm bells ringing ferociously in my head. It’s the smell of destruction and ruin—the smell of memory. I can’t remove it from my head. It’s stuck like concrete, where it will remain for all eternity. Every now and then, the past drifts in and out of my confused mind, taking advantage of my helplessness. A montage of scattered images bursts from my brain—sending me into a world where everything is different. This place is so foreign, while at the same time calm and peaceful and full of happiness. Its name is normal. Normal is a refuge, but also a nightmare. A nightmare filled with uncertainty.

Once again, I’m trapped. Noise. I’m interrupted from the comfort of my thoughts—sent from normality to reality. The van has stopped. The noise is that of people, registering where they are and making connections with their barren surroundings. Wet and flowing tears are among the noise. I glance nervously around me ... It’s hard. There isn’t much to look at. I don’t live here, but I’ve driven down this road many times. The road. It’s the only thing remaining—twisting and winding through the hills and into the distance. The magnificent trees and fauna that accompany it are black, charred stumps of unrecognisable objects.

But there are houses too—not anymore though—just flimsy black outlines of broken bricks and burnt tin roofs. Ashes, small and menacing, lie on the ground, the only remnants of people’s memories and treasures. I try, but words fail to describe what surrounds me. My mind is blank. A few of the passengers behind me are making their way unsteadily out of the van holding each other’s shaking arms

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for support. I feel like talking to them and comforting them, but it will only deliver unwanted tears. They pass the vehicle, and slowly make their way towards a mess of black rubble. A feeling of nausea and queasiness is born inside me—greeting me like an old friend. Soon, I will be in their shoes, making my way towards the remains of the house I called home.

That was written by Sky O'Brien. At the time he was in year 10; he is now in year 11. He and his mother, Charlene, have rebuilt their home. But, of course, they are out of pocket because the insurance company has not paid for their rental accommodation. They were lucky to receive free rental accommodation, unlike others who had to pay significantly for rental accommodation. I have raised this issue before; the member for Girrawheen raised it in her speech. It seems so unjust when one reads a story such as the one written by Sky O'Brien. We have to remember the carnage and the barren landscape on that day. The Premier remembers it, because he visited the area, as did the former Minister for Emergency Services. The member for Darling Range would very well remember, as do I, that a place that was a vibrant community was, in a matter of hours, destroyed. The community remained vibrant because its people are very strong. But the physical landscape and the places they called home were destroyed. I congratulated the Premier for acting to ensure that those affected were entitled to emergency relief payments. The Premier made the right decision. The City of Armadale, led by former mayor Linton Reynolds, was outstanding in what it was able to do. Indeed, many, many people volunteered their services. But nearly two years later, those victims are asking why the government has not treated them in the same way it has treated victims of the Margaret River and Toodyay fires, who have received ex gratia payments. As the Premier stated, the payments are not compensation payments nor are they payments that admit state fault; they are ex gratia payments that are designed to relieve the suffering endured by the people of Margaret River and Toodyay. I challenge any member to argue that the suffering endured by people who lost their homes in the Kelmscott and Roleystone fires, such as Sky O'Brien, is any less than the suffering endured by people in the Margaret River and Toodyay fires. Losing a home in Margaret River or Toodyay is no worse than losing a home in Kelmscott or Roleystone.

Mr T.R. Buswell: What about the people who lost their homes in Morley and Dianella?

Dr A.D. BUTI: Maybe there is room for that, minister. I am talking specifically about a major catastrophe, a disaster of the proportion of 70-odd homes being destroyed. I understand what the minister is saying—where do we start and where do we stop? But the government started by awarding ex gratia payments to the victims of the Margaret River and Toodyay fires. The government has said that those payments are not a form of liability compensation payments; they are ex gratia hardship payments. If that is the case, the victims of the Kelmscott and Roleystone fires deserve the same ex gratia payments awarded to the victims of the Toodyay and Margaret River fires. People who have lost their homes in Morley and Dianella are, I am sure, feeling terrible. The government may need to look at their situation. This government decided to pay Toodyay and Margaret River fire victims an ex gratia payment. As far as I am aware, apart from the initial relief payments that were awarded to the fire victims in Kelmscott and Roleystone—which have come mainly from commonwealth funds—they have received nothing else. For people such as Sky O'Brien, who so beautifully recorded what he experienced on that day, I urge the government to reconsider what it has not offered to the victims of Kelmscott and Roleystone.

We look forward to looking at the bill in more detail in the consideration in detail stage. It is very important that a bill is introduced in response to the Keelty report. There is a need to restructure the department so that we can pinpoint who has responsibility—the commissioner—but ultimately the minister will be responsible. I am confident that he will not be a “Sergeant Shultz from *Hogan's Heroes*” minister—I dearly hope so.

MS L.L. BAKER (Maylands) [5.58 pm]: I would like to make a start on my response —

Mr T.R. Buswell: You can finish as well.

Ms L.L. BAKER: Probably not, minister. We will break for dinner, but I am sure I will be back with more to say.

I will make some comments about the Fire and Emergency Services Legislation Amendment Bill 2012 on a couple of fronts. As members know, I have a home in the hills on the edge of the state forest. I have been there for about 20 years. I have seen a few fires in the Mundaring area. I have got to know workers in the Department of Environment and Conservation, the local volunteer brigade and the State Emergency Service pretty well. Given that we live in such a vulnerable part of the forest, we are often contacted early if there are fire threats near the Mundaring Weir and up and down the valley in the catchment. There is only one road in and out for the four properties where I live. There is an obvious need for us to be cautious about how we manage fire prevention. We also want to make sure that the fireys and the vollies in the local area are aware about the various fire prevention strategies that we have put in place around our homes to make their jobs a little easier and safer.

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Those strategies include registering our dam with the shire, which was done some years ago. No-one has followed up on that.

Sitting suspended from 6.00 to 7.00 pm

MR D.A. TEMPLEMAN (Mandurah) [7.01 pm]: I am happy to make a contribution to the debate tonight on the Fire and Emergency Services Legislation Amendment Bill 2012. This is a very important piece of legislation that sets up a new entity to oversee fire and emergency services in Western Australia. A couple of points I want to make very much lead up to where we are now with this legislation.

Members may be aware that in the early part of my time in this place I was chair of the Community Development and Justice Standing Committee, whose members were the member for Hillarys, the former member for Pilbara, the member for Joondalup and the former member for Nedlands.

Mr R.F. Johnson: That was the dark old days.

Mr D.A. TEMPLEMAN: It was the dark old days. One of the inquiries the committee undertook was an assessment of the preparedness of Western Australia's emergency management. I think the Leader of the House left the committee partly through an investigation, and it may have been this investigation. One thing we did was looked at the preparedness of emergency management throughout Western Australia and also at what was happening nationwide and internationally. This was in the context of the 9/11 experience. In fact, that committee travelled to the international conference on emergency management in Canada in 2002.

Mr R.F. Johnson: I didn't go.

Mr D.A. TEMPLEMAN: I did not go either. I was the chair of the committee and I did not go!

Mr R.F. Johnson: We had other things in our lives at that time.

Mr D.A. TEMPLEMAN: We did. We sent three members.

Ms M.M. Quirk: Was there any truth in the rumour that the member for Nedlands got a single ticket?

Mr D.A. TEMPLEMAN: I could not cast aspersions on the former member for Nedlands, even though I did not get on well with her at all.

Mr R.F. Johnson: She spoke very highly of you!

Mr D.A. TEMPLEMAN: One thing we did was to look at the state of emergency management in Australia and internationally. We met with my namesake, David Templeman, who at the time was the CEO of Emergency Management Australia. He looked a lot older than I did, of course, so it was very easy to determine which of us was the younger David Templeman of the world! One thing that was always of interest to me was the history of Australia's natural disasters and the response of governments to them. It was interesting to look at a number of the triggers that changed how emergency management is done. We looked at examples in other states. History shows that when there is a major disaster, and we have had a number of them, such as bushfires, it usually triggers a major investigation of some sort in terms of its management, the legislative framework et cetera. We need only look to the eastern seaboard and to some of the major natural disasters that have occurred there. Some have been absolutely tragic in terms of the loss of life. The Ash Wednesday bushfires in Victoria in 1983 killed some 83 people, from memory.

Mr I.C. Blayney: It was 76.

Mr D.A. TEMPLEMAN: It was 76 people. That was a major loss of life in Victoria in 1983. That triggered some major reform of Victorian legislation governing emergency management and response. Prior to the most recent Brisbane floods, which occurred in January last year, there was major flooding of Brisbane and the greater Brisbane area in the 1970s, which also triggered a major legislative response as well as associated emergency management processes and procedures. We then, of course, saw the absolute tragedy of the Black Saturday bushfires in Victoria in 2009. Some 200-plus people lost their lives. That, of course, triggered a major inquiry. It was a judicial inquiry, from memory.

Mr M.J. Cowper: A royal commission.

Mr D.A. TEMPLEMAN: It was a royal commission into the bushfires in Victoria during that period. That again resulted in some major legislative and procedural changes in Victoria. A number of years ago there were also bushfires in Canberra that claimed the lives of two people, from memory, and damaged a number of homes in what was a relatively urbanised area of Canberra. Again, that triggered an inquiry and then legislative change. In Western Australia, there were terrible fires in the hills of Perth in February last year. That also resulted in a

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major inquiry. In fact, we have had two major inquiries into bushfires. Coming out of those inquiries, and particularly the last one from Keelty, were recommendations that have led to the implementation of this bill and, ultimately, a new entity with regard to how we respond to, plan for and strategically manage events such as we have seen in Western Australia. No doubt it is absolutely crucial that in supporting our men and women involved in the emergency services in Western Australia we have the best possible legislative framework to allow them to do their job effectively and to be well resourced to ensure they are given every opportunity to do their job to protect lives, property and also our environment. One of the problems resulting from any inquiry is the finger-pointing. To be honest, I think that is an unfortunate aspect. There is no doubt in my mind that the men and women who serve the community in our emergency services areas do so to the utmost of their capacity and bring a commitment and dedication to that position.

Although the Keelty inquiry had a range of criticisms and highlighted a range of issues and problems that needed to be overseen, the key thing is that we must have faith in our men and women who are trained and skilled in responding to these situations. We also have to be mindful that with the urban interface of the metropolitan area and regional areas where people choose to live in places that are becoming increasingly vulnerable and at risk, we must have in place the best possible planning and the strategic framework to support them. Part of that framework has to be a legislative framework.

The bill that the minister has introduced does a range of things. Apart from abolishing what was the old FESA, it removes the board of management, it creates a chief executive officer with the title of Fire and Emergency Services Commissioner. A range of other elements sit within the powers of that commissioner. I hope and think the bill will seek to clarify roles and responsibilities, particularly with regard to hazard management and the interface between the various groups that are so-called responsible hazard management agencies.

Mr M.J. Cowper: It is the lead combat authority.

Mr D.A. TEMPLEMAN: That is right.

The other thing the bill does—this is really crucial—is recognise the important role of volunteers in this whole process. It is important that we recognise those men and women volunteers, who, in a variety of guises, will work side by side with commissioned men and women in various emergency services roles, and that they are given the respect and rightful acknowledgement that their role is absolutely crucial to the response.

I want to refer to the two recent storms, particularly the one on Sunday a week ago and the one that threatened to occur on the following Tuesday, because one of the things —

Mr T.R. Buswell: There was also a storm on the preceding Thursday that impacted on Dianella and Morley.

Mr D.A. TEMPLEMAN: That is true; yes—the three storms.

We know that we will see more of these types of events. The predictions are that throughout Australia severe storm events will be seen more commonly, and because of the build-up of urban development and sometimes even the types of urban structures, such events will possibly threaten life and property. They have—and we have seen that in only the last two weeks.

One of the things that has always interested and concerned me is how we make sure the general public is well informed about its role in the event of an emergency, a bushfire, an impending storm et cetera. I was very impressed with my city. On Sunday a week or so ago, the major storm through Mandurah was very quick. It caused a number of houses to be unroofed and there was some damage from debris. Trees went down, there was a lot of structural damage to fences and there were some injuries. Two young fellows at Meadow Springs golf course were badly injured and were very lucky, it seems, not to be permanently injured. One of the things I am always interested in is how we can ensure that our own population, our own community members who are not volunteers with the SES or are not paid or salaried officers with the emergency services groups but who need to be prepared anyway, can maintain a sense of vigilance. I was very impressed with Mandurah. I left Parliament early last Tuesday. I said, “I’m going home to my family on Tuesday night.” I was not going to hang around here. If this was going to be a dangerous storm, as was predicted, or at least to the extent of the one that went through on Sunday, quite frankly, I was not going to stay here; I would rather be with my family. I live in an area where there are lots of trees, and I wanted to be there; I left early. Going home, I was stuck on the freeway—I should have come by train that day but did not. I spoke to a few people when I got to Mandurah at about half past four or five o’clock, and they said Mandurah was quite dead of traffic from around 2.30 pm or three o’clock. People had already started to recognise that there was a problem, there was a potential danger and the best place to be was off the road. In fact, a number of businesses closed early in the city. I said to my staff, “I think you

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should go home.” They left at about four o’clock. Apparently a lot of businesses had already closed by about 2.30 pm or three o’clock. People had done some preparation.

Those who know Rockingham through to Mandurah and Busselton down through the south coast know that we have a history of tornados or bad storms coming across the coast and causing some damage. Mandurah is no different from many other places. We have had a number of major storms and some real major damage. I was really impressed that there was a sense of, “Hey; let’s just be a bit careful here.” In terms of preparation, we know the lessons learnt from the bushfires in the hills and the Keelty report. There is an awareness and acknowledgement that these things are dangerous. If we at least have some notice of them, we can be prepared.

I know local councils and indeed the old FESA, as it will now be known, used to do a lot of work in informing people about things they needed to do to prepare their homes, particularly those who lived in more vulnerable areas. The education of people needs to be a continuous process. It was very interesting that after 9/11, we were all so conscious of our own safety as we travelled around. The federal Howard government had the “Be alert but not alarmed” slogan and all that sort of stuff. Quite frankly, I think we live in a society now in which, in our day and age, it is crucial to continually inform the community using all the social and other media communication avenues available to get out the message. Even during the fires in the hills there were issues regarding communications. It is crucial to be prepared and to regularly get the message out because that is an ongoing process. I think we are in circumstances now in which, ultimately, our communities need to be aware that the potential for particularly storm and related events will become more likely given the nature of our climate and where people wish to live.

Finally, I acknowledge the emergency service men and women in my community, both those in salaried positions and volunteers, for the tremendous work they do in the Peel region. We have had our fair share of natural disasters, including major bushfires only four or five years ago in Dwellingup, Waroona and the Shire of Murray. People lost homes and property and, thankfully, no-one was killed in those fires, although good friends of mine lost their homes. I want to pay tribute to those firefighting volunteers as well. Chris Stickland and the team at the Mandurah SES and the SES teams in the other local government areas of the Peel region are remarkable men and women. Whenever something is happening, I text Chris. I do not want to disturb him, but I text him to say, “I am thinking about you and your team members because I know I am in my home with my family and you are out there responding.” Chris highlighted in the *Mandurah Mail* some concerns about Western Power. I would like the minister, if he gets a chance, to look at what Chris was saying only in the context of the follow-up after the storm. He had some concerns about the message that was being given to people. This is not an attack on the workers out there putting back the powerlines and repairing connections; it was about the information and communication. I think that, as a valued volunteer and leader in his field, his comments need to be listened and responded to.

MR J.C. KOBELKE (Balcatta) [7.22 pm]: I am very pleased to rise in support of the Fire and Emergency Services Legislation Amendment Bill 2012. Any debate in this area cannot be contributed to without recognising the incredible contribution of the Fire and Emergency Services Authority, or the department as it will become. The uniformed officers are dedicated professionals who train and prepare themselves to deal with a range of very difficult and sometimes horrendous situations that happen on our roads. They are there, working hours that create problems for their families but they do an outstanding job and are willing to put themselves forward knowing that sometimes they will face dangerous situations. Then, of course, there is the range of volunteer services—the State Emergency Service, bush fire brigades and marine safety organisations. They are professional people in the sense that they put themselves through the required training and deliver a very high level, crucial service. A very special thanks is owed to those people who work as volunteers. The changes we make in this legislation and the administrative structures we put in place must be always cognisant of the thousands of people who serve our community, whether paid or as volunteers, and the great job they do. The structure must support them, not undermine what they do or create complications or unnecessary bureaucracy; it must support the important work they do. This legislation is about changing the structures in the hope that we will be able to give greater support to the people who perform these vital roles.

We also need to be very cognisant of the fact that FESA, or the FES as it will become, must work with other agencies. It must have a good working relationship with local government, given that preparation goes through the local government authorities for dealing with emergencies, whether they are fire, flood or a range of catastrophes that can beset a particular area. Responsibility is placed on the local governments and our fire and emergency services must work with them in partnership, as occurs with the Department of Environment and Conservation, which has a key responsibility for large areas of the state. Again, that relationship is very important. Part of this bill will deal with those relationships.

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In the early part of the debate when the minister responded, he would have noticed my uncertainty or embarrassment about what the new title will be. Will it be F-E-S, FES or the Fire and Emergency Service WA—FESWA? Is there an answer or a process by which we consult with our uniformed officers, with our emergency —

Mr T.R. Buswell: Member, the advice I have is that the general approach used within the government of Western Australia is that it is the department of whatever, so this will be the Department of Fire and Emergency Services.

Mr J.C. KOBELKE: DFES?

Mr T.R. Buswell: I have not worked out which acronym will apply, but it will be known officially as the vast majority of government departments are, such as the Department of Education et cetera.

Mr J.C. KOBELKE: May I suggest that it would help build the relationship if the minister had a consultation process with our uniformed officers and the range of volunteer services and got feedback on what would be the most appropriate acronym? It does not mean other people would dictate it. Just keep in mind that thousands of people are contributing to this effort and they will talk to their friends, family and other people about what they are doing and why they are being called out. A name will be imposed on them into which they may feel they have had no input. It is a personal view—the people who do the work in the front line may not agree—but FES sounds weak. All I am doing is suggesting there be some consultation.

Mr T.R. Buswell: Member, it will be the Department of Fire and Emergency Services.

Mr J.C. KOBELKE: That will not stop the minister using a trading name, if I can put it that way, for the agencies.

Mr T.R. Buswell: No wonder you were hopeless when you were in government. You want a committee to work out the name of a government department. Let me explain it to you: the Department of Fire and Emergency Services. Who knows what that will eventually be called by people in the field. They are very creative people and I suspect they will come up with some very creative names. It will be the Department of Fire and Emergency Services. We have the Department of Education, the Department of Training and the Department of Transport. We have departments all over the joint. Whilst I do not mean to be disrespectful, we will not be running a public process to work out what it will be called.

Mr J.C. KOBELKE: I thank the minister for his interjection. I think that reflects a touch of the arrogance of this government.

Mr T.R. Buswell: Please!

Mr J.C. KOBELKE: There are thousands of people out there who do an incredibly good job. They will want to know what will be on the badge that they will wear. The actual legislative basis is not the issue. We can always have an acronym or a name whereby everyone refers to what they are doing that does not have to be identical to the legal identity. If the minister wants to go with the Department of Fire and Emergency Services, DFES, okay. It will come up with an acronym; it might be a good one or it might not be, but I am sure people will get on with the job. My personal view is that we cannot pay enough respect to the work done by those thousands of people in Western Australia who make the system work, whether they are uniformed or volunteer officers. The minister is asking them to give their time to commit to the community, but he will say to them, “Well, here’s a name, whether you like it or not, that’s your new name.” I am thinking that it will build the relationship —

Mr T.R. Buswell: Did you have a name-the-organisation competition when the FESA bill was brought in? No you didn’t; of course you didn’t.

Mr J.C. KOBELKE: No. But the fact is it was a whole new concept. It now has credibility. People know what FESA stands for.

Mr T.R. Buswell: Get on your gopher and nick off! I mean, that’s a stupid idea. I have sat here and listened to the debate, and you come up with this stupid codswallop! What an absolute load of bunkum!

Mr J.C. KOBELKE: The minister thinks it is stupid that we would actually consult with these volunteers and listen to them —

Mr T.R. Buswell: I did not say that.

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Mr J.C. KOBELKE: I do not have that view of the world. I think we need to recognise the fantastic contribution made by people. One way of doing that is not just to smack our gums together in here and say we all think they are great. It is to go out and talk to them.

Mr T.R. Buswell: Do you think they care about the name of the organisation?

Mr J.C. KOBELKE: I am suggesting that there would be some value in consulting with people.

I move on. The next part of the bill is the establishment of advisory committees, which is in keeping with the comment I was just making. The comment I want to make on advisory committees is that there has to be a real commitment from the top to respect them and take them seriously. The bill as I read it makes that a requirement. It gives real strength to that structure of advisory committees for our volunteer services.

Mr T.R. Buswell: Member, can I give you some advice on that? We took a draft copy of the bill to the volunteer groups, and we made a number of changes in the area you are talking about reflective of what they wanted, because we have a commitment—both sides of Parliament have a commitment—to the volunteers. So I think we have probably ticked that box, or I hope we have.

Mr J.C. KOBELKE: Minister, I am not taking issue with the structures that are contained in this amending bill. I accept what the minister is saying—that he has consulted and he has taken on board their comments. I was not involved in that. I am accepting what the minister has told the house. On the surface, to me that looks okay. But that is not the point I was making. The point I was making is that from time to time, different ministers will be responsible for this portfolio.

Mr T.R. Buswell: No!

Mr J.C. KOBELKE: The minister will be Premier soon! He cannot keep this portfolio as well when he steps into the Premier's shoes! So, come on! The minister will not be the minister for too much longer. The minister is hoping to take over as Premier, but I do not think he will do it before the next election, and it is not likely that he will do it after the election, either. But I know that is his goal. The point is that when we put legislation in place, we know that there will be a number of ministers who will have responsibility through that legislation for the delivery of these essential services. The point I wish to put on the record is that we hope that ministers will take seriously the need to consult through the advisory committees. The minister is saying that he will. I accept that. The minister is giving the undertaking. All I am saying is that there needs to be an ongoing commitment from whoever is the minister of the day that these advisory committees will be allowed to work and that they will not be there simply as part of the legislation. I say that because regardless of who is in government—it is not a Labor or a Liberal thing—some ministers will see this as a serious part of their job. They will see the advisory committees as a proper means of consultation with these very important voluntary services and as a way of being able to improve the functioning of the system by taking the advice that comes from these committees. That does not mean that the minister will have to agree with the advice of these committees all the time. But the minister will have to actively consult with these advisory committees and treat the whole process seriously.

Mr T.R. Buswell: Member, I respect what you are saying—I think you are 100 per cent right—but you would know as well as I do that I cannot legislate for the views of ministers who may come down the track. Ultimately, it does not matter what the portfolio is or what the structure is, it will be difficult, because they all have different approaches. People like you and I are very engaging and like to understand; some others are perhaps less so.

Mr J.C. KOBELKE: I accept the interjection from the minister. He seems to want to make another speech, but that is okay.

The next point I come to is the maintenance of fire hydrants, which was a recommendation of the Keelty report, which the government is enacting here. As the member for Girrawheen has pointed out, there are some apparent inconsistencies between amendments to the water legislation and this legislation, and we will need those clarified. But I want to make one single point here. The transfer of responsibility for looking after fire hydrants on the surface appears to be a simple administrative change; but so too did the establishment of the Building Commission, and now we have an absolute mess with that authority. We need a minister who is willing to iron out the details and ensure that there is a good working relationship between the new fire and emergency services and the Water Corporation and the other agencies that have responsibility for the maintenance of fire hydrants so that we will not end up with a whole lot of problems, as we have seen with the Building Commission. It is great to have the concept and to see that the reform is delivering better outcomes. But if the agencies are not working together, and if the relationship between the minister responsible for fire and emergency services and the minister responsible for the Water Corporation and the other water authorities is not driven at a high level, we cannot rely on just the fact that the administrative matters will be sorted out and we will not have hiccups. Of

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course in this area if we have hiccups—for example, if there is a major fire and a response is required, but the fire hydrants are not working, or there is a technical problem—it may mean that that very serious situation will become a lot worse. We are very hopeful that we have very professional agencies in this state and everything will be smoothed out and everything will work. But we had that expectation with the Building Commission too, and we now find that there is a major challenge to the residential construction industry in this state because administrative changes that were made with good intention were done very poorly. So we need to take a warning from the Building Commission experience and make sure that this change of responsibility for and ownership of fire hydrants takes place very smoothly.

I now go to some of the comments that the minister made in his second reading speech. I think we are all well aware that the fire in the Roleystone–Kelmescott area led to the Keelty review and his report titled “A Shared Responsibility: The report of the Perth Hills Bushfire February 2011 Review”. This legislation seeks to implement a range of recommendations of that report. But as members who have already spoken to this amending bill have said, we cannot forget the horrendous circumstances of that fire, with the loss of 71 homes and damage to a further 39 buildings in the Roleystone–Kelmescott area; the fires in Toodyay a year before that; the fires in the Peel region, in which more properties were lost; and, more recently, the fires in Margaret River and Nannup and the losses that occurred there. I think this really is a wake-up call for the government, and, hopefully, the government will take it seriously, because my personal perspective on that—it is open to debate—is that the propensity for serious fires and loss of buildings and loss of life is now at a much greater level due to climate change. This government of course wants to go cold on climate change. It is not politically very popular with this government. But it is a reality for fire and emergency services right across this nation. It is a reality for our insurance industry. Our insurance industry is rating it. There is now the possibility of more extreme events and more damage to properties from fire.

Mr T.R. Buswell: Surely we should be warming up with climate change, not going cold!

Mr J.C. KOBELKE: What is the minister’s problem?

Mr T.R. Buswell: I said surely if there’s climate change and global warming, we would be warming up, not going cold.

Mr J.C. KOBELKE: And the minister’s point?

Mr T.R. Buswell: You said we’re going cold on climate change. Surely we would be boiling with rage about climate change.

Mr J.C. KOBELKE: Smart answer, minister! I accept the minister’s interjection, but it reflects what I am saying—that this government simply wants to skim over the absolutely crucial issue that we now have greater risk factors because of climate change. I think that is where this government in many areas has simply dropped the ball. We now need a much higher level of preparedness. We need to put in place preventive programs to deal with the fact that climate change is a reality and is going to mean more extreme events.

As I have already indicated, right across Australia all the major agencies and governments, except this one, recognise that this is something that we need to prepare for, or the consequences will be even more dire. We see that, as I said, in the insurance industry. The insurance industry is looking to the fact that it expects more of these extreme events to occur. Therefore, we need to do something about it. We can take action at the preventive level or we can take action at the precautionary level. I think this government at least needs to take action at the precautionary level to deal with the potential consequences of these more extreme events. We are seeing no sign of that, and unfortunately I fear there will be more catastrophes, and we have already seen too many.

[Member’s time extended.]

Mr J.C. KOBELKE: The last thing I want to do is quote the paragraph from the minister’s second reading speech relating to the fire and emergency services levy. He stated —

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. 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.

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I thank the minister for making such a clear statement. I am not a lawyer. I have read the relevant section—section 38. It seems to confirm what the minister is saying. The government played games with the road trauma trust account. It made this wonderful commitment that 100 per cent of the money raised from speeding fines and red-light cameras would go to road safety. It was expected that that would go through the Road Safety Council. Then we found that the government was simply playing with the money and using it for a range of other purposes.

Mr T.R. Buswell: Never. That's outrageous!

Mr J.C. KOBELKE: The minister knows that he is doing that. He is using that account as his plaything rather than dedicating it to road safety. We have an ironclad commitment and we will certainly be watching to make sure the government does not weasel out of that. I wanted to refer to some figures but I have lost the bit of paper with the figures on it.

This government really has been milking people through the emergency services levy. Since the emergency services levy was set by this government over three years ago, we have seen an increase of over 10 per cent a year. If we look at the forward estimates—seven years all told—that increase in the take from the emergency services levy will be 70 per cent, which is, again, roughly a 10 per cent increase every year. We can look at what the government has put in the total appropriations to provide for delivery of services in the budget papers under the current Fire and Emergency Services Authority of Western Australia. If we look at the 2008–09 budget, which was the last budget from the Labor government, through to the 2011–12 budget—that is, over those three years—we see that the actual government contribution has been down 16 per cent. The government has had all this extra money from the emergency services levy but the money going from the consolidated fund to provide for those essential services through the fire and emergency services levy fell 16 per cent. If we take the four years, which is from 2008–09 to 2012–13, we find that it is up 31 per cent, which is below the increase of about 40 per cent, which is in fire and emergency services. I am looking at two different streams: one is the fire and emergency services levy; the other is the contribution by this government from the consolidated fund. The government is taking more money from ordinary householders through increases to the fire and emergency services levy than it is willing to put in to fund these vital services. When we go across to seven years, which is going into the forward estimates, we can see that it is not just something the government did for a bit of catch up or for two or three years; it is planning through the out years to continue to increase the burden on ordinary householders through the emergency services levy well above the inflation rate. One can assume it will continue to do the same thing; it will not maintain the increase from the consolidated fund, seeking a bigger percentage of the funding for fire and emergency services to come from the emergency services levy.

The figures are there. The minister likes to yell and shout and make a lot of noise. He is very clever with his smart answers but the facts are in the budget. We have a guarantee that the money will not be hived off to other things. That is good. We also need to ensure that this government does not continue to milk ordinary householders and cause them pain and suffering through these large increases in the emergency services levy.

Mr M.J. COWPER (Murray–Wellington — Parliamentary Secretary) [7.45 pm]: I shall not take too much of the house's time. It is important to commend the Minister for Emergency Services for grasping hold of the issues during his short time as minister and bringing forward some legislation, which I believe is long overdue. I wish to speak about some of the challenges that face emergency services in the future. Before I do so, I want to put on record some of the issues that have occurred over a number of years. In 2006 I was a member of the Community Development and Justice Standing Committee, along with the member for Joondalup. We looked at this very issue and we came up with a very good report. It made a number of recommendations. The interesting thing about that is that a number of those recommendations were the same recommendations that were made in the Keelty report on the Kelmscott fires. I read that report and I met Mr Keelty when he was here. I thought that his report was serviceable. It commented on work that had been done by our committee some years before that appears to have been overlooked by a sequence of governments and a number of ministers, including the member who spoke a few minutes ago. The member for Balcatta spoke about some issues that were documented quite well in that report; namely, the fire hydrants, the ambulance service and a number of other issues. It is a little incredible that the member talked about relationships with the Water Corporation and the Fire and Emergency Services Authority when he did not wish to challenge this particularly challenging situation that has occurred. Simply, we went into the last election with a policy document by the Liberal government that recommended restructuring FESA.

I am very pleased to see that the Minister for Emergency Services has the building blocks in place for some other changes to the legislation as we go forward. I believe that this piece of legislation is fundamentally important if

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we are going to refocus and mould a better workable situation instead of having a raft of different bills that impact upon emergency services in Western Australia. We need to put a fence around them and bring them into the one family and make them workable and clear and understood by all people who are affected. The reason we need to do that is that the 30 000 volunteers out there are the most important people that we need to consider when we are drafting such legislation. The career firefighters are also very important but we need to consider those people who are at the coalface when emergencies occur first and foremost.

Some of the challenges in the Department of Environment and Conservation have been highlighted and documented. We know that some dysfunction has occurred between FESA and the Department of Environment and Conservation for a number of years. It has been harking back over 10 years and, unfortunately, a sequence of events that occurred in Roleystone and then later in Manjimup have come into question. Whenever a critical incident occurs in Western Australia, there is always some form of review and examination of how things went and how business was conducted. That is a fit and proper thing to do. One of the things that has emerged in recent times is the way the media have portrayed some of our volunteers and career firefighters. I was very annoyed and upset about that. It is something that I have discussed with a lot of the volunteers in my electorate. We had a situation in which volunteers were being attacked in the paper before they had an opportunity to even put forward their case. That is something that people in the media need to be aware of. When they start attacking members or volunteers or people who are acting in good faith, they may well be causing a number of other volunteers to reconsider their positions as volunteers, given the potential for litigation and other things that might drive them away from volunteering. I imagine that volunteering is in decline because of all these various challenges. People are not particularly associated with their communities anymore because of fly in, fly out situations. I am trying to say that the environment is changing.

I hope that the minister, whoever the minister will be in the future, will be able to build on this new legislation and put together a suite of bills that will hold the community in good stead. That will have its own challenges.

The former minister, the member for Balcatta, made the point that we need to be inclusive. That is a key and fundamental point when we start to deal with volunteers in particular. I know that our volunteer base has a great amount of experience. A number of people who work in the rural environment, farmers and the like, are very versed at being able to chase down fast-moving fires in grasslands and farmlands. Those firefighters, predominantly in the Department of Environment and Conservation, formerly the Department of Forests, are very versed at chasing down fires in forests. I saw that firsthand during the Dwellingup fires when courageous, if not crazy, members of the fire-chasing crews went into forests in front-end loaders with CO₂-charged cabins. They have these big CO₂ canisters on the back of their loads, and as they go charging into the fires, if they get themselves into a sticky situation, they can hit a button and a jet of CO₂ is released to cool them down so that they do not get burnt or perish. They were using that on an almost regular basis. I recall a couple of evenings when we were chasing down fires in the Coolup valley and the crews used those canisters.

The community is really brought together in times of need. I have seen that firsthand on a number of occasions right across Western Australia in my former career, whether before and after cyclones in the Kimberley; during my time in Volunteer Marine Rescue Western Australia when we rescued a number of people off the Pilbara coast; in cyclones and flooding in the Pilbara; in bushfires in the south west; or at critical incidents when volunteers have come out to major crashes and fatal accidents and done a marvellous job. Small communities rally together and make a difference. That is something we cannot put on the bottom right-hand corner of a spreadsheet. I know that from time to time we get in here and start arguing about the cost of providing such services, but at the end of the day, I would hate to realistically put a figure on what it would cost to pay someone to do the job that our volunteers do, because I do not think that the state could afford it given the fantastic work that they do.

One positive thing that has come out in recent years is the emergency services levy. There has been some debate in the chamber this evening about the percentage of money coming out of the recurrent costs or out of the consolidated account which is gathered by the emergency services levy. I saw that start way back in 2006 when I first came to this place. The contribution to the Fire and Emergency Services levy was about 20 per cent or 30 per cent and to the consolidated account was about 70 per cent. Over a period of about six years it seems to have gone in to the opposite direction. Having said that, a lot more money is going into our emergency services portfolios these days—and rightly so.

Two things always come out of an inquiry into a critical incident; one is that communications is an issue and the other is a need for better training. One thing that concerns me is that we really do not have a stand-alone training facility here in Western Australia. That is something we could turn our minds to once this legislation is bedded

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down and we have a structure within which we can operate. We should look at developing a place in Western Australia that could become the benchmark for all volunteer and career firefighter training across Western Australia. It would also be an opportunity to make money. I know that mining companies in Western Australia spend \$197 million a year on training their staff on mine sites up to FESA level, as it were. The problem is that when those people leave their employment—let us say for argument's sake from BHP Billiton or Fortescue Metals Group or Alcoa—and transfer from one business to another, their qualifications are not always recognised. A lot of those companies have an issue with corporate knowledge and information; they would like to keep it within their own organisations and perhaps do not wish to recognise the training of those people coming from other parts of the economy.

We could look at a model that exists in England. A place called Morton-in-Marsh in England is probably regarded as the benchmark for emergency services training in the world. It is an old Air Force base in Gloucestershire; they train firefighters from right across England, Europe, America and as far away as Hong Kong and Australia. If we were to have some state-of-the-art training facilities here in Western Australia with a view to training our volunteer and career firefighters and marine rescue people, we could also provide a service to not only the mining industry in Western Australia and Australia generally, but also the emerging countries of South-East Asia and the Pacific. I think that India in particular, Hong Kong, Japan and other such places could be potential customers, if we like, of a world-class facility. It could include things such as helicopter training for those people working in offshore marine services off the north west coast in particular.

Having said that, this legislation is a great basis from which we can work. I look forward to this legislation going through this place later this evening, hopefully, and in the not-too-distant future some bricks being put on the basis of this legislation. We can go from strength to strength and Western Australians can become the go-to people in this part of the world for emergency services.

MR A.J. SIMPSON (Darling Range) [7.58 pm]: I want to add a small bit to this debate on the Fire and Emergency Services Legislation Amendment Bill 2012. My electorate of Darling Range has a strong volunteer fire brigade base in its community. I served on the shire council of Serpentine–Jarrahdale from 2001 to 2005. I was there when the implication of an emergency services levy came in. Prior to that, we levelled our rates at \$60 a rate notice to fund our fire brigade. When the ESL came in, from a council perspective, it was great to see it taken over and run as a state government issue.

It is good to see that the act recognises volunteers; that is really important. A number of members have touched on—I am not sure how many volunteers there are —

Mr T.R. Buswell: There are 32 250.

Mr A.J. SIMPSON: There are about 32 000 volunteers. Members have spoken about the great work that they do in our community. That was very much demonstrated with the fire in Kelmscott in 2011.

One of the issues I want to raise today is the incident that unfolded with one of my volunteers in Keysbrook, Pam Story, and the efforts that she went to. The thing that always amazed me through that process is that the act quite clearly states that if a volunteer firefighter is injured in the course of their duties, they will receive a monetary allowance equivalent to what they were on or a level 4 Department of Environment and Conservation officer, whichever is greatest. Pam went through that process with her lawyers to get that money. To this day I am still not quite sure how a judge can interpret that act to say that it is not insurance but compensation for what she should have had. She had a job at the time. She got approval for the job to be recognised. She was working three days a week as a graphic designer. The court said she could have \$500 a week and not \$1 000 a week, which was the DEC offer. It was such an issue that to this day I am still a bit unsure of it. I hope we can work through it as we get closer to getting the issue resolved, because protection for volunteers is one of the main things we have to be sure of. I thought that act did that, so it is something for me to keep chasing up. The other thing that was always frustrating was that when we came to the table we got Pam an *ex gratia* payment from the government, but, unfortunately, for an *ex gratia* payment, hardship has to be proved, and it took us a while to get through that process. I must admit that that was not a nice journey. But Pam is in a better place now; she now works doing graphic design for a printer and it is good for her to get out and do her work again. It is still good for her to call in and to see her from time to time, and she is in great spirits.

I just want to touch on a couple of other things. As I said, Serpentine–Jarrahdale shire had five volunteer fire brigades. We struggled to fund those processes from a small council of 4 500 ratepayers and we try to make sure we have the right resources. When the emergency services levy kicked in, it was fantastic to have that process. I want to read in some amazing figures that have occurred since the ESL came in to the Shire of Serpentine–Jarrahdale. We have contributed \$3.4 million in ESL levies, and over the same period the shire has received

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operating grants of \$3.1 million and capital of \$3.25 million, which consists of one new building, one bay shed, one upgrade, 12 vehicles and two new bulk water tankers and state emergency services capital of \$100 000 for three vehicles. That is a total of \$6.4 million for our shire, even though we paid in only \$3.4 million. That shows that the ESL is working well. All the vehicle maintenance and replacement of equipment is part of that process. The Serpentine–Jarrahdale shire is a rural council —

Mr T.R. Buswell: It is different; it is an urban–peri-urban mix.

Mr A.J. SIMPSON: Correct; that is the process. As we roll out the urban cell of Byford, it now very much rolls into a suburb of Perth and not the country town it was eight years ago. The 1 000 people a year rolling in for the last six or seven years have made an impact to the point that the red trucks will start to roll out soon to structural fires. The Byford brigade is still working on that process with the bushfires, and volunteers still work in that, but there is a commitment for us to ensure we give our community the best protection we can from this process. I just wanted to add my bit to that process to say it is great to see that we are taking on a lot of those recommendations. Also, in the last couple of weeks we passed the water legislation, which takes away the issue of the water mains being a maintenance problem for the shire. That has now been transferred back to water licensing and I think that is important as well. That cost for infrastructure that did not belong to it was never fair to local government. I think we have come a long way since the reports and I think the next stage of that now going to an agency will certainly give us better protection for our community. I just wanted to add that.

MS J.M. FREEMAN (Nollamara) [8.03 pm]: I rise to speak on the Fire and Emergency Services Legislation Amendment Bill 2012. As I understand this bill, I see its two primary roles as establishing a department and having an operational commissioner. I was just speaking to my colleague the member for Girrawheen and I find it interesting that in a contemporary community we tend to move away from departments to statutory authorities and not the other way around. It certainly shows that there was an issue with the statutory authority for the government for there to be a move back to a department with a greater role for the minister. That is quite a serious and onerous responsibility on the minister that may not previously have been there with the statutory authority. I recognise that, given what occurred in the bushfires in Roleystone and Kelmscott, it was seen by the community as being a government and a ministerial responsibility. Therefore, it is probably quite appropriate that it comes back under government control, because the community sees these sorts of essential roles, services and aspects of what we deliver out into the community as things essentially delivered by government. It is therefore quite appropriate, given what occurred, and given that the statutory authority was under the governance of a board, with the board directing the strategic capacity of an organisation—a process of governance removed from government—to clearly bring that all back into a department. That says very clearly to the community, “Yes, we take this essential service as one we deliver into the community and basically the buck stops with us as government in how things operate.” I think that is very important and that is what is expected in our community in a variety of areas and operations. Of course, it would be no surprise to members of this house for me to say that I believe that it is also the case for other essential services such as hospitals, which should be delivered directly by government. But I do not want to digress.

I want to go on to talk about the personal circumstances of the people in Koondoola who recently had a fire. Were it not for the good work of the fire and emergency services and the police, those residents may have been placed in as great peril as those who were involved in the Roleystone–Kelmscott fires. The Koondoola bushland is a very valued community asset. It is a very large area. Koondoola is actually a very small suburb, because most of it is taken up by this very large bushland. Animals that live in that particular bushland are unique. They include the rainbow bee-eater, the blue wren, the western jewel butterfly, the nagarus butterfly and the graceful sun moth, which I have seen is not that graceful.

Mr T.R. Buswell interjected.

Ms J.M. FREEMAN: Yes; the graceful sun moth! There are bandicoots, the black-gloved wallaby and native quails. In terms of flora and fauna, it is quite an important and significant area. It is also quite a significant cultural area; it has significant cultural links to the Aboriginal people who live around the area. They tell quite extensive stories about camping all along that area from Koondoola to Mirrabooka.

There was a Koondoola bushfire debrief. The member for Armadale is back in the house and the member for Darling Range has left the house. One of the issues we face as members of Parliament is that there is a real sense of anguish that something is occurring in our local community and there is information we want. There is also a sense of frustration that there is really nothing we can do to participate and assist. Subsequent to the bushfire, I went doorknocking around the area of the bushfire in order to talk to the residents, just to get feedback. There was a debrief by fire and emergency services and I thank them for that. They clearly need to be commended for

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their good actions on the day. What was odd about the debrief was that although the fire happened in Koondoola, the debrief happened in Alexander Heights. I can understand that a bit, because there is Beach Road and just across from it is Alexander Heights, and some of the land that was left unburnt will put Alexander Heights at risk if there is a fire. But what was really odd about the debrief was that it was right at the other end of Alexander Heights quite substantially away from where the major bushfire had been. I said to the council that it was very odd and asked why we were having the debrief in Alexander Heights. The council told me that it was because of the Fire and Emergency Services Authority. I said to FESA that it was very odd and asked why we were having the debrief in Alexander Heights given the fire had happened in Koondoola and I was told that it was because of the city. The only way I found out about the debrief was because it was in the local paper. No advice was given to me as the local member representing the community. No advice was sought from me about the best place to hold the debrief. Koondoola has a community centre that would have been just as good, if not better, for the debrief. When I was doorknocking, that was one of the issues that came up. I asked people whether they had heard about the debrief and was told that they had but that it was too far to go to or that they had only got a few days' notice. That is a bit of a concern for me. I just wanted to make the minister aware, now it is a department, that he needs to be fully apprised of these things.

At the bushfire debrief, FESA said it had a nine-minute response time. However, one of the concerns raised by people when I was doorknocking was that they felt there was not a quick enough response. I have explained to people that when FESA members first entered the bushland to fight the fire, they entered from Alexander Drive and subsequently shifted to the other side of the park, just near the Koondoola Primary School. At that point they had a visible presence. Again, as a point in the debriefing exercise, because I doorknocked the area subsequent to the debrief, people were saying that the response was not quick enough. Part of the response is that visible response that people need.

There were multiple ignition points. It looked like it started in the middle of the bushland. Whilst those multiple ignition points could have been started by embers, it appeared that the ignition was from arsonists. That is obviously very distressing to the community. Despite trying to find out, I have not heard anything back from the Minister for Police on whether there has been any more information and whether anyone has been charged. This fire put people's houses and, potentially, their lives at risk. It is somewhat concerning that there does not seem to be a feedback loop for someone like me who is actively trying to represent people in the community and who goes to community functions in the area of Koondoola. I was unable to find out that information, so I was unable to give it back to the community. It is really disheartening that that occurred despite my requests to the Minister for Police. Fortunately, they did not lose any assets but they were at significant risk of that. In the middle of the Koondoola bushlands is a large water reservoir and the tower, and there was some issue about the Water Corporation not clearing the land well enough and that there were significant issues in how that contributed to a quite ferocious fire.

Some of the most interesting things I found from doorknocking was that most of the people I spoke to felt that it had been dealt with really well. They all loved watching the helicopters come over and dump water—the big one, whatever it was called; it has some special name.

Mr T.R. Buswell: Margie!

Ms J.M. FREEMAN: I have looked it up but I cannot remember at this time.

Mr T.R. Buswell: The Eriksson air crane with 9 500 litres per drop; it goes up in 18 seconds.

Ms J.M. FREEMAN: I can see that the Minister for Police is completely uninterested in what I am saying, but what is important is that I went out to talk to the people of Koondoola. One of the things the minister may want to know is that they thought they would receive a call if they needed to leave. They all thought they would get a phone call, so it was quite fascinating for me to say to them that the expectation is that they will listen to the radio and make contact themselves. I did notice at the debrief that there was a real reluctance on FESA's part, evident to the people who attended—only a few people attended unfortunately—to promote the mobile telephone number texting service. I raised it a number of times. It is very difficult to find it in the information leaflet. At one stage, they were saying that is not the best service to use and it would be best to listen to local radio. I thought that was quite fascinating, because I would have thought that would be quite important for people. I suppose that the reason these things are important for me is that there is substantial bushland in the areas I represent—Mirrabooka bushland, Dianella bushland, the Errina Road–Alexander Heights bushland; so there is quite a bit of bushland that is at risk, and a lot of people live close by so that a lot of housing is at risk. Also a recent tornado went into my area, and the minister might be interested to know that I walked out of my office and looked across, and I said, “God! that looks like a tornado!” as I saw this huge thing on the horizon. I

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went to get my lunch, came back and thought it looked amazing, and then I heard that it had ripped through parts of Dianella and Morley, including a Uniting Church that I regularly visit. So it was quite an issue for many people in the area.

One of the other things that happened on the day was that we got a phone call from a very stressed aged person who had been listening to the radio and taking the warnings as “pack up and leave”, but they did not have capacity to leave of their own accord. They actually were not in the particular streets that were identified, but they rang our office and wanted basically to go somewhere else because they were reasonably stressed. Obviously we calmed them down and said that it is not in their area and that they did not have to worry, but we had taken note and if there was a potential threat we would contact them on how they would be moved. We could not find that out on the day. It was really fascinating for me and my staff to find out when we rang the City of Wanneroo, which told us to ring FESA, but when we rang FESA, because it was outside the area, we were told we needed to ring the City of Wanneroo. I raised this at the debrief and the city said that in that case if the person was in danger, then it would be FESA’s responsibility to shift them. However, given they were not in any of the streets that were in danger, they were in a situation that unless we could organise a volunteer to go and get them, there was no-one to shift this particularly stressed person. That is a coordination issue. Obviously an operational commissioner who has been on the ground would know that a lot of different factors come into play. But one of the those factors is that in urban areas there may be people who need some assurance and some capacity to move out of the area because it has a negative impact on their health. There needs to be some effective way of doing that. As the local member of Parliament in the area, I had no contact or guidance to give to people who were calling us for advice, other than the advice on the radio, which is what everyone was getting. It seems to me that the government and the department need to understand that we are part of the resources that can be used and that people will be contacting us. It would be really important if the department was able to give us that guidance and to clarify what we would do for a person who is so stressed. I thanked the minister on the day because he sent me a copy of an email he had received. It was interesting that that email said that Waddington Primary School had been closed when it had not; the children were simply kept inside. Again, there was a lot of misinformation and obviously the most important thing in a serious fire situation is to calm people, and the easiest way to do that is to give them as much information as possible. I would have thought that one of the tools in that process would be to make sure the local member of Parliament had that information.

The Koondoola bushfire taught me many lessons about representing my community and being able to give them good guidance.

[Member’s time extended.]

Ms J.M. FREEMAN: I will take the opportunity to talk to other community members who live around those other bushlands that I have outlined previously, because it is important for people to be made aware that bushfires are not just contained to country areas. They are a very real and imminent threat in our suburbs. The Koondoola bushfire was a perfect example of this. In the bushfire in Koondoola, 70 hectares were lost; 70 hectares of bush were burnt. There are 130 to 140 hectares of bush in Koondoola, so half the bushland was burnt. From all accounts and from looking at the pictures, it went up, to use that classic line, like tinder.

In regard to this legislation and the State Emergency Service and its volunteers, I would like to recognise the Stirling State Emergency Service unit and the good work that it does.

Ms M.M. Quirk: They have concerns for a new premises.

Ms J.M. FREEMAN: I was about to take the opportunity to raise that. I thank the member for Girrawheen very much.

The Stirling State Emergency Service unit is currently housed at Des Penman Reserve in Nollamara. It is in an old softball venue, I think it is. No-one can use the bottom of it because it is full of—I am sorry if the minister thinks I am filibustering —

Mr T.R. Buswell: I think you’re wasting our time, but carry on.

Ms J.M. FREEMAN: I thought that when I went through, I —

Mr T.R. Buswell: I’ve told you that I think you’re wasting our time, but carry on.

Ms J.M. FREEMAN: I thought I gave the minister some very important aspects of what happens during a bushfire. I am very distressed that the minister thinks I am wasting his time.

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Mr T.R. Buswell: It has taken you 20 minutes to tell us this, but carry on. It's typical form, but carry on. I'm sure you play this back to help you sleep at night. The rest of us do. You're like a human version of a tsetse fly —

The ACTING SPEAKER (Ms A.R. Mitchell): Thank you, minister.

Mr T.R. Buswell: — zooming around looking for someone to put to sleep.

The ACTING SPEAKER: Minister!

Point of Order

Mr R.H. COOK: I am not sure bullying is referred to in the standing orders, but, really, I think the member should be heard in silence. She has issues of concern to her in her electorate, and she should be allowed to speak about them.

The ACTING SPEAKER (Ms A.R. Mitchell): Thank you, member for Kwinana. I have asked the minister to quieten down.

Debate Resumed

The ACTING SPEAKER: Thank you, member for Nollamara.

Ms J.M. FREEMAN: I cannot go on. Thank you.

MR M.P. WHITELY (Bassendean) [8.22 pm]: I want to make just a brief contribution about the Fire and Emergency Services Legislation Amendment Bill on behalf of the two electorates I have represented: firstly, Roleystone; and, secondly, Bassendean. I want to speak about those people who suffered loss in the Roleystone–Kelmscott fires. I simply say that the package that has been offered to the people who suffered from the Toodyay and Margaret River fires was given by the government on the pretext that it was not anything to do with compensation and that it should not be treated as compensation. Given that pretext, I cannot see why the people of Roleystone and Kelmscott are being treated any differently. I think they certainly should be treated exactly the same, or perhaps the government needs to be honest. If it sees a difference, it should spell out the difference and say, “Look, there is an element of compensation in the Toodyay and Margaret River fires.” On behalf of those people whom I used to represent in Roleystone, I say that the government should do the right thing by them. It should either tell them the truth—tell them that it believes their circumstances are different—or give them the same entitlement that those people who suffered tremendous loss in Toodyay and Margaret River got.

The other comment that I want to make briefly is about an issue that I raised with the minister recently when I wrote a letter to him about the future of the Bassendean Volunteer Fire and Rescue Service. I do not think the letter was signed by the minister; I think it might have been signed by the minister's chief of staff, from memory, so perhaps it did not go across the minister's desk. However, the minister really needs to understand the nature of the Bassendean volunteer service. Currently it is co-located with the full-time service, which is going to be moved to Kiara, and no-one has a problem with that. However, the issue of the future of the Bassendean volunteers remains. The Bassendean volunteer service has been operating for over 100 years. It has between—I do not have the numbers in front of me—40 and 60 active volunteers. They see regular active service. It is an award-winning brigade in all the competitions that are held around the place, but that is secondary to the fact that these people see active service and provide a useful service. The letter that I wrote to the minister raised the issue of the future of the service and plans that have been in the ether about the possibility of the service being moved to and co-located in Forrestfield and called the Bassendean volunteer service. It simply will not work, minister. Let me say that the people who are a part of that service are part of that service because they are very much Bassendean locals. Bassendean is a unique part of the Perth metropolitan area. People who live in Bassendean—it is a bit like when I used to live in and represent Roleystone—regard themselves as being in a country town within the city. If the minister moves them out of the heart of Bassendean and away from that area, he will simply lose those volunteers. It is not transferable. The sort of token effort that was implied in the reply of the minister's chief of staff, whereby they could have some sort of ongoing connection with the name remaining the same or something like that, simply will not work. If the minister wants this service provided by volunteers to continue into the future, as it has done for over the last 100 years—I had the pleasure of attending their 100-year celebration a couple of years ago with, I think, Captain Mike Smith—he needs to keep the service in Bassendean. They would prefer to stay at the Bassendean Fire Station, which is in Parker Street. They are currently co-located with the full-timers. I do not know why they cannot stay in that location, given that they already have a perfectly adequate facility for their purposes. As I said, I wrote to the minister. I do not think the letter went across the minister's desk. I think it is a reflection of the incredibly heavy workload that the minister

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has because of the capabilities of some of the other people who have been members of the ministry. I do not think the letter went across the minister's desk, so I do not think he is necessarily —

Mr T.R. Buswell: I am familiar with the issue.

Mr M.P. WHITELY: Okay. But those people need to stay there, because if the minister moves them and makes some tokenistic effort to call it the Bassendean fire service, it simply will not work.

They also put to me the argument that many of them work, but they all live, within very close proximity to that station. The time that it would take for them to collect at Forrestfield, or wherever the minister chooses to relocate the service, would make the service not a very rapid response service. It is a very valuable service. They do real work, they fight real fires and they save real lives. If the minister wants to protect that service, he will have to make the effort to leave it in Bassendean. I am glad I have had the opportunity to have the minister hear that from me directly this evening.

Mr T.R. Buswell: Can I say, member for Bassendean, that having driven the Bassendean senior citizens in my bus from Old Perth Road, under the kind tutelage of a lady called Mimi Pule —

Mr M.P. WHITELY: I know Mimi well, yes.

Mr T.R. Buswell: I think her husband, Gerry, is now on the council or some such thing.

Mr M.P. WHITELY: He is the deputy mayor.

Mr T.R. Buswell: I understand very well the attachment of those local people to that area.

Mr M.P. WHITELY: I think the minister might have some sense of the community that exists there. It is a unique little country town —

Mr T.R. Buswell: It was 50 Old Perth Road that they were at.

Mr M.P. WHITELY: Yes. My office is at 6 Old Perth Road, so I am very well familiar with the area, and I am glad that the minister has some understanding of the nature of Bassendean, because he will understand the special nature of the Bassendean volunteer service and the fact that it needs to be protected.

MR T.G. STEPHENS (Pilbara) [8.27 pm]: I will be brief. The opposition makes four points in this debate. It is basically describing to the government that it wishes to support the Fire and Emergency Services Legislation Amendment Bill 2012. It is also saying to the government that its woeful record in the area of bushfire management and the treatment of victims should be highlighted, and there should be a response; that the bill should be clarified, with the minister putting on record his response to the issues raised; and that the inconsistencies in reference to the Water Services Bill should be clarified. In the process of making those points, my colleague the member for Nollamara was basically bullied by the Minister for Emergency Services. It was basically in that process that the Minister for Emergency Services attempted to humiliate her and to sit her down.

Mr T.R. Buswell: I did not.

Mr T.G. STEPHENS: Yes, he did, and he should start to lift his game. He should not come into this place and try to bully women because they are in this place. He should show some respect to the female members of this place, even if he cannot show some respect for people opposite.

The ACTING SPEAKER: Member for Pilbara, would you take a seat.

Mr T.G. STEPHENS: Yes, Madam Acting Speaker; I will for a moment, yes.

The ACTING SPEAKER: Thank you very much. Member for Pilbara, I ask that your speech pertain to the second reading debate on this bill and not to other behaviour that might have occurred in the chamber.

Mr T.G. STEPHENS: In making those four points, my colleague was harassed and harangued by the minister. It was unnecessary. Those points still stand. Opposition members have an expectation that when our colleagues rise and make legitimate points, they will be listened to with respect and consideration and that the minister handling the bill will respond to those points. There is no place in this chamber for members to bully other members.

The ACTING SPEAKER: Member for Pilbara, I have asked you to make your speech about the bill.

Mr T.G. STEPHENS: And I am going to.

The ACTING SPEAKER: I would ask you to make that speech now.

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Mr T.G. STEPHENS: There is, fortunately, the opportunity for members to speak in this place. The role of the Chair is to champion that cause for members to speak. I came into the house to speak because I watched an incident in which the member's role was not so vigorously championed in this place. I have been here long enough to know that debates like this are opportunities for members to put their points of view. The role of the Chair is to allow us to put our points of view. Four points are being made by the opposition, which I have just iterated and were being iterated —

Mr R.F. Johnson: He is going to apologise.

Mr T.G. STEPHENS: I am pleased to hear from the Minister for Emergency Services.

Mr R.F. Johnson: I am not the Minister for Emergency Services.

Mr T.G. STEPHENS: Well, whatever you are these days.

Mr R.F. Johnson: I am the Leader of the House, Minister for Police —

Mr T.G. STEPHENS: The former Minister for Emergency Services—the failed Minister for Emergency Services!

Mr R.F. Johnson: No; there were no deaths on my watch.

Mr T.G. STEPHENS: The removed Minister for Emergency Services! I am very pleased to hear —

Ms M.M. Quirk interjected.

Mr R.F. Johnson: And don't you start, either.

The ACTING SPEAKER: Thank you, members. I am hoping that the member for Pilbara is actually going to talk about this bill.

Mr T.G. STEPHENS: I will be delighted if behind the Chair right now there is an apology being offered to my colleague.

Mr R.F. Johnson: Why don't you just have a bit of faith in other people? He's doing something now.

Mr J.J.M. Bowler: What—just because she's a woman? Lighten up! If it were a man, no-one would care!

Dr A.D. Buti: The number of times the Premier goes on about the bullying of women!

Several members interjected.

The ACTING SPEAKER: Members! Member for Pilbara, I have asked you to speak to the bill as you see it and to raise what you wish to raise, and to not raise matters that have previously occurred in this house. I believe that is being resolved at this point. In the meantime, I ask you to speak about what is in the bill and to say what you wish to say. I ask other members to not become involved in personal discussions across the chamber.

Mr T.G. STEPHENS: Madam Acting Speaker, I am pleased to hear your advice to me. I will follow your advice. I appreciate that it has come to the left of the chair. It is wise for such advice to be issued wisely across the chamber, both to the right and the left, when members are speaking and are being unnecessarily harassed. For me, there were simply four points being made by the opposition. They were well made by the member for Nollamara. I am pleased to think that some accommodation appears to have been struck by my colleagues. I, for one, do not accept that there is a role in this place for the bullying of members on this side of the house, even if the minister in charge of this bill is the heir apparent.

The ACTING SPEAKER: I give the call to the member for Kwinana.

Mr J.J.M. Bowler: She handled herself pretty well.

Mr T.G. Stephens: Shut up, Kalgoorlie!

Mr J.J.M. Bowler: She handled herself pretty well.

The ACTING SPEAKER: Member for Kalgoorlie!

Mr J.J.M. Bowler: If she was a man, you wouldn't be worried about it.

Mr T.G. Stephens: Listen, do you oppose bullying when it happens over there?

The ACTING SPEAKER: Members! Member for Kwinana, take a seat. Member for Pilbara, you just agreed that there should not be interjections across the chamber.

Mr T.G. Stephens: Well, he's the one who's interjecting!

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The ACTING SPEAKER: Member for Kalgoorlie, I ask you to refrain. If you wish to discuss that later on, you can do it outside the chamber. I have given the call to the member for Kwinana. I now ask him to rise to his feet to speak on the second reading of the bill.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [8.34 pm]: I have the briefest of remarks to give about the Fire and Emergency Services Legislation Amendment Bill 2012. They will be briefer still, given that over the last few moments we have been able to rectify some of the concerns of members in this place about the way in which the chamber is being conducted. I thank members who were involved in that process.

I wanted to make a couple of points on behalf of the volunteer brigades within my electorate. They include, of course, the Mandogalup Volunteer Bush Fire Brigade, the equipment of which the member for Jandakot has some experience of. I think his expert driving involved a tree.

Mr J.M. Francis: It did get bogged—very bogged!

Mr R.H. COOK: It did. I think dents were involved!

The other brigades are the townies, or the Town of Kwinana brigade, which is officially called the Kwinana Volunteer Fire and Rescue Service, the Kwinana South Bush Fire Brigade based in Wellard, and the Baldvis Volunteer Bush Fire Brigade in the south of my electorate. I certainly do not have any personal experience of working with the volunteer brigades, unlike the member for Gosnells, formerly of the East Gidgegannup Volunteer Bush Fire Brigade, but I obviously work very closely with the members of each of the local brigades, not just because of their expertise or the perspectives they have on the work that they do, but also, obviously, because they are an invaluable resource for the community because of the work that they do. It is important to listen to what they have to say on a range of issues in which they might be involved.

The point of the legislation that I particularly want to focus on is that which involves the establishment of volunteer advisory committees across each of the services. These committees are particularly important because what seems to unite each of the brigades across my electorate is their desire to have their work valued and for the members to feel that the services they provide are valued. I am aware of the tensions that exist between the full-time firefighters and volunteer firefighters, particularly when their work intersects from time to time. It is important that we make sure that the volunteer services feel valued and that they feel they have the resources and equipment they need to carry out their work. Certainly in my area, such as with the fires in Baldvis and the recent fires in Parmelia around Challenger Avenue, it is the speed with which these volunteer brigades can mobilise that provides an important contribution to the full-time services. In areas such as Kwinana, some of the bushland is particularly dense and much of it is unknown to the full-time brigades; therefore, the volunteer services play an extra role in terms of augmenting the full-time services. The townies—I hope the chamber will forgive me for not necessarily using the right language—are regarded as a brigade as opposed to a bush fire brigade, which means that from time to time they respond to structural fires, vehicle fires, vehicle accidents and so forth. The speed with which they respond to those emergencies and the equipment they use are both very important aspects of what we are debating today. Each of the brigades spoke to me about their desire to have better equipment that they consider to be comparable with that of the full-time brigades. I am not sure how practical it would be to roll out the same equipment, but there is certainly the sense that they do the same work, particularly on a job-by-job basis, and, therefore, they want the same equipment to carry out that work. What is really important is that there is a level of consultation or communication between the volunteers and the Fire and Emergency Services Authority, so that they have the capacity to communicate operational, policy and training issues and can feel engaged as part of the overall services for the area.

In Kwinana, we have the Hope Valley Fire Station, which, if any members are familiar with it, is a bizarre sight, because Hope Valley is almost non-existent now in terms of a built-up community. This fire station sits on top of the hill in glorious isolation from just about anything that would remotely represent a fire emergency, but it is located strategically in order to respond to troubles on the industrial strip.

We also have the East Rockingham Fire Station. The location of the Hope Valley Fire Station is such that often the crew that can respond the fastest is at the East Rockingham Fire Station, because of the intricacies of the roads and the difficulty in getting from the Hope Valley Fire Station into Kwinana. Therefore, the townies volunteer brigade play a very important role in making sure that the Hope Valley brigade can respond to emergencies within good time.

A good example of the frustration that is felt is that recently one of the brigades had to go out and use fundraising money to buy infrared imaging equipment as part of the equipment they use in fire response. My understanding is that this equipment is used by full-time brigades. The volunteer bush fire brigades feel that it is

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important that they also have that equipment so that they are not dependent upon the full-time brigades for that operational capacity. If they have the same equipment, they are in a better position to respond in the same or a better manner. Communication is obviously key. Having faith in the overall capacity and structure of the leadership is also an important aspect of that. The appointment of Wayne Gregson is universally regarded as being a good move. It is one that is consistent with the culture of the fire and emergency services.

I simply want to place on record my appreciation of the volunteer brigades in the Kwinana area and implore the government to look more closely at the equipment that these volunteer brigades work with to see where there are shortfalls in terms of that equipment and where we can improve their operational capacity by building up the equipment that they have available.

Many members have made contributions to this debate this evening that are much more informed than my passing understanding of the way in which volunteer services work. Certainly for communities in the outer suburbs of Perth that still have a large area of bushland to protect and which people love to live in, how we work with these volunteer brigades and how we facilitate communication between differing levels and differing areas of the fire and emergency services is extremely important. This legislation, through the advisory committee structure that is proposed in the second reading speech, will go some of the way to making sure that our volunteer brigades do feel valued in their service.

MR C.J. TALLENTIRE (Gosnells) [8.43 pm]: I, too, rise to support the Fire and Emergency Services Legislation Amendment Bill 2012. I particularly note the emphasis that is placed on the role of volunteer bush fire brigades. As has been mentioned by my colleagues, I have some practical experience with volunteer bush fire brigades. I was a member of the East Gidgegannup Volunteer Bush Fire Brigade for a number of years. From that experience, I can say how important it is that there is that connection between volunteer brigades and those who are professional firefighters. It is absolutely essential, because there is such a wealth of knowledge contained in those local brigades. In an area as diverse as Gidgegannup, it is critical that local people are involved in any firefighting undertaken in the area because of their in-depth local knowledge of the topography, the best ways to gain access to properties, who landlords are and who absentee landlords are, so that access can be gained and stock management can be undertaken and so that evacuations can be done of properties that may only occasionally be occupied—that sort of thing. The local knowledge provided by local brigades is absolutely critical to the overall firefighting plans that we have in Western Australia.

I realise that these volunteer advisory committees are being created. I hope that the breadth of responsibilities and issues considered by those volunteer advisory committees really takes into account the details of prescribed burning. So often we hear prescribed burning presented in a fairly negative light, and with some justification, as we saw late last year when fires got out of control. I think, though, that by accessing the local community knowledge that is in volunteer bush fire brigades and other community groups as well, we can ensure that there is a more intelligent use of prescribed burns, especially those undertaken by community organisations. Advice that should relate to the timing of those burns, the local knowledge on the weather conditions and the results that might come from wind changes—those sorts of things—are critical to the safe undertaking of burns.

There is also a very important issue around mosaic burning. I know that people in the science division of the Department of Environment and Conservation have done a lot of work on the importance of mosaic burning. It is a hope that we have got. It is the way forward. We want to preserve biodiversity assets and we also want to preserve human assets and the built infrastructure. We want to protect human settlements, and at the same time we want to ensure that we do not get into a situation in which we have to burn areas at a frequency that far exceeds what the natural frequency would be. That smaller-scale mosaic burning, which is perhaps what Aboriginal people did before European settlement, is the way forward, I believe, to ensure that we achieve those dual outcomes of having human settlement protected while at the same time not diminishing our biodiversity assets.

I want to talk a little further, though, about the hard work that goes into being in a volunteer bush fire brigade and acknowledge that where I now live in the Gosnells electorate, the volunteer bush fire brigade has a group of people who are dedicated to the task. What does that mean, though? It means that these people are on call throughout the fire season. There is a rotational roster, but invariably people find that their weekends are disrupted because the beeper goes off and they are called out to a fire. Often it is in the most frustrating of circumstances—for example, there is a fire in the Gnangara pine plantation because some idiot has stolen a car and lit it up on a 40-degree day. That is the sort of issue that people have to respond to when they are doing volunteer bush fire fighting. They are not always active in their local area. They are often called upon to travel to other parts of the metropolitan area to fight fires.

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Their generosity needs to be emphasised. How do we reward that generosity? One way, as I have touched on, is by listening to what they have to say—respecting their advice and realising that it is valuable advice. Another way we can acknowledge their valuable contribution is by ensuring that they have the best possible equipment available. It is acknowledging that they put in an enormous amount of time not just in firefighting, but also in training themselves and making sure that all members of the brigade have gone through a very extensive training program so that when they are on the fire ground, they are able to operate the equipment efficiently and safely and not endanger others in the process.

Often they have access to equipment such as firefighting pumps, trucks and four-wheel drives and firefighting fast-attack vehicles that in untrained hands could be dangerous to operate. It is essential that they have gone through those extensive training programs—they recognise that—but it is an impost on their time. We are asking people to give up an enormous amount of time to get themselves trained to a standard so that they can be safe and efficient on the fire ground, and we have to acknowledge that. As I say, one of the best ways we can do that is by making sure they have good equipment to work with.

Finally, I emphasise the value that these local bush fire brigades provide when it comes to firefighting. I have mentioned the use of fast-attack vehicles. On at least three occasions that I can recall, I was able to put a call through to the local fire brigade by dialling the 000 number—that system worked well—to have put out a fire that was near my home. At the time it was only a small fire, but it quickly could have developed into a really large fire. Because the fast-attack vehicles are manned by crew who are nearby, they can be there in that crucial time frame of between 10 and 15 minutes. They can be there to attack the problem before the fire gets out of control. The incredible asset that we have with our volunteer firefighting service is that it can respond rapidly and be on site and get a fire out in no time. If we were to rely on a more centralised professional service, we would have bigger delays in between a fire being spotted and the attack firefighting equipment arriving on site. That delay could be the difference between putting out a small fire that can be done with, say, 500 litres of water, and the other end of the spectrum, when we very quickly could have a major fire to contend with. The great feature that we have with our volunteer firefighting service is that it is so responsive and able to get out quickly. But it has to be borne in mind that this is a service that is given to us mostly by volunteers, and they deserve the highest levels of recognition.

I think that longer term we do need to look at some means of not professionalising in terms of payment, but recognising the financial costs that people go through when they give up their weekends or have to lose time from their working day to fight fires. I am happy to support this bill, but I hope that these volunteer advisory committees will be used to ensure that we get the very best out of our volunteer bush fire service.

MR P.T. MILES (Wanneroo) [8.51 pm]: I rise to support the Fire and Emergency Services Legislation Amendment Bill 2012. I also want to acknowledge to the house the good volunteers of the Wanneroo brigade, which was formed 50 years ago this year, in 1962, and which has been doing an excellent job since that time. I also want to acknowledge the fact that I have two career fire stations in my electorate. One is Joondalup station, which is in Drovers Place, and which the minister has come to visit in a different capacity. The guys at that station have received their new pump, which is looking quite good and working quite well. The other station is Wangara station, and the government has provided in the budget this year \$2.3 million for some capital works and some upgrades and modifications to bring that station up to grade, which I think also is a great bonus and a plus that this government and this minister are delivering on behalf of the state, and I thank the minister for that on behalf of my electorate of Wanneroo.

The emergency services levy is an issue that is always contentious around my electorate, because it is an outer metropolitan seat. We have the urban areas and we also have the rural and semi-rural areas, which are obviously rated slightly differently, and at times the ratings can be testing for them, but we are always trying to see what we can do to help out in that way. I do think, however, that although the ESL sometimes has flaws in how it is rated, it has done a lot of good for the fire and emergency services.

Ms M.M. Quirk: Do you defend the quantum of the rises?

Mr P.T. MILES: Although the previous government put in the ESL—I think it was under the member for Midland, who was the minister at the time—the ESL has done a lot of good over that time.

Ms M.M. Quirk: Do you think the rise is warranted?

Mr P.T. MILES: The rises will always be contentious in some areas compared with other areas, but on the whole they are balanced and well thought through. I commend the bill to the house and congratulate the minister on his support for the fireys and volunteers in my electorate.

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MR J.M. FRANCIS (Jandakot) [8.55 pm]: I will be brief. I want to commend the minister and the government on the Fire and Emergency Services Legislation Amendment Bill 2012. This is an issue that I have spoken about in this house a number of times, way before this state was hit with the numerous large bushfires that have occurred over the last couple of years. I raised my concern about the management of the Fire and Emergency Services Authority of Western Australia way before there were any issues. I raised my concern because I believed that a broom needed to be put through FESA. I believed, from my experience as a volunteer firefighter, that it was an organisation that was fairly top heavy, lacking in Indians and with a few too many chiefs. I do not want to offend anyone here, but there were some people who used FESA as a bit of a retirement village, and there were certainly some people making some decisions there who had not seen the front line of a fire for some time.

I remember very well the first time I saw a bushfire and was involved in fighting it. I was a sailor in the Navy based in Sydney, and in about 1992 a huge bushfire went through Frenchs Forest, and they sent a crew of us out to fight this fire. I was in a corner of Frenchs Forest—now in the federal member for Warringah’s electorate, actually—and we were wearing our overalls, with not an awful lot of personal protective equipment, and we had a water tank strapped on our backs, and I laid on the ground at this intersection and watched this wall of fire go over the top of us. It was quite a daunting experience. I had never believed that fire could burn without being attached to anything. It was literally a fireball in the air as it went over the top of us, and the heat was quite incredible. Ever since then, I have always had a high regard for the people who basically put their lives on the line fighting fires. Obviously as time has moved on in all states, and especially in Western Australia, the professionalism and the training of people involved in fighting these fires has dramatically increased. I want to place on the record my observation about the proposed Office of Bushfire Risk Management, and the new chief executive officer of FESA, who I think is doing an outstanding job.

There is no such thing as a risk-free burn—there never will be. Every single burn carries some degree of risk, no matter how well-planned, well-managed and well-resourced it is. I ran up to my office earlier and grabbed some of the fire maps from the last big fire I was involved in, which was in Nannup. I got this because I think it is worth noting the member for Balcatta’s comments about global warming. Some of the areas in Nannup that went up in flames had 21 years of undergrowth. They had not been burnt in 21 years. There were other sections that had not been burnt for 18 years. There were areas of bush there that had a lot of thick, dry undergrowth, not so much because of global warming or climate change, but because they had not been burnt for 21 years, and 21 years is a massive fuel load. What it says is that there is a need to do prescribed burns. But, as I said, there is no such thing as a risk-free burn. I think we should all acknowledge that every single time we make the decision to do a burn to protect property, it carries some risk.

I want to acknowledge the volunteers of the state. It is hard to put a figure on it, but I understand that the contribution that volunteers across the board make to the state’s economy is between \$600 million and \$800 million. In other words, if the government had to pay people to do this work, it would add \$600 million to \$800 million in expenditure to the state budget. That is a phenomenal amount of work when we look at the thousands of hours that people have put in over the last couple of weekends just in Mandurah alone. The resources and equipment was sitting in stations all over the region and these people went out there once again and did the right thing by the community. They make an outstanding contribution to our safety and to protecting our lives and our property, and I do not think any of us here could underestimate the amount of effort and the dedication and commitment that they put into training and to turning up and putting in the hard hours when it is required. Western Australia has just under 2.6 million square kilometres of land. There is an awful lot of bush out there. Without the volunteers, we could not keep the community safe.

I congratulate the minister on an outstanding bill. We are definitely moving in the right direction. I have not had any bad feedback from members of the volunteer fire brigade in my electorate. I commend the bill to the house.

MR M.P. MURRAY (Collie–Preston) [9.01 pm]: I rise to talk briefly about the Fire and Emergency Services Legislation Amendment Bill 2012. As with any changes, there is always a settling-in period. As we move through that, some concerns will be expressed within the communities. Some of those problems have been mentioned by previous speakers. One of the first things I want to say about the changes that are happening is that although I think it is a positive move, all we are doing is balancing the books. When we look at what is happening in forest products, we see that we have lost up to 50 potential firefighters who could be on call immediately. If we move to another structure, it still does not give us the legs on the ground or the vehicles to go with those people. The reliance on contractors is huge. A lot of the gear that is being used in the north west that was previously available is not necessarily available as quickly as it was before. Even when we had the Carnarvon fires this year, when there was a crossover between the Department of Environment and Conservation

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and the Fire and Emergency Services Authority, graders were carted from all over the south west to try to get machinery up there. It occurred far too late to work on those Carnarvon fires. Although it was not necessarily just the responsibility of FESA in that case, it was about sorting out who was who in the zoo and getting people moving quickly to stop nearly one million acres of land from being burnt out. A massive area was burnt out in that part of the state.

When we look at the volunteer side of things, we realise that we can use them only for so long. When we have fires in the south west, I see these guys who have jobs to do; they have to work. They do not always get paid by their employer when they attend fires. Some employers are very good. Some of the bigger companies certainly pick up the bill for their wages and say that it is all part of community spirit. We often rely on a small number of people for too long. The storms that occurred last week were another example. As soon as the winds had passed, I knew there would be damage around town. I went for a drive and came across a young lady standing on the side of the road waving people down because electrical wires were on the road. Within minutes a guy came along dressed in an orange uniform—one of our local FESA guys. Between us we rustled up a few witch's hats and blocked the road off so the young lass could get out of the rain. She had been standing in the pouring rain trying to warn people about the wires on the ground. The first people there were the FESA guys. We rely on them. When we see the news on the television the next night, we see those orange uniforms everywhere, with workers putting tarps on roofs, pulling trees off roads and reassuring members of the community that the process is working and that people have concerns about them. We lean on these workers but how much should we lean on them? How much regulation and support do we give them?

I have noticed over time, as I am sure have some of those opposite who live in country areas, that people tend to baulk a bit when the regulations become too tight or too hard around what the volunteers have to wear or machinery. I understand the reasoning for it. I am not arguing that point. We lose volunteers because they have to go through this course or that course or they have to wear certain clothes and cannot go on site unless they are appropriately attired. I really do understand the reasoning. We watched the number of volunteers dwindle. Some of the bushfire brigades in my area are really struggling because the older people have moved on—or passed on in some cases—and the young people are not picking up the baton to move in because they do not want to go through a course, but they are willing to help if need be. We have to be very careful with what we do with the new department and how we manage our volunteers along the way.

As has been mentioned, many thousands and millions of dollars are saved by these volunteers. They work alongside the professional help that we need at the top. We need structures to guide the people who are on the ground—the people who wish to help. We have seen that crossover get a bit messy at times. We do not want to be back in here having another inquiry about what went wrong or what did not go right. My words of warning are that we just have to be cautious and mindful of our major resource—our volunteers. We have to be on the ball at least about talking to the other departments in the structure. At least now we think we know who is going to be running the show because there is now a process and the leadership will be defined. I am glad to see that because there is nothing worse than what happened previously when people said, “This is your job” or “This is my job” and then at the end of the day nothing gets done at all. That certainly creates confusion on the block, to say the least.

I asked a couple of questions in Parliament recently. We were talking about prescribed burns a minute ago. There have been 1 816 prescribed burns since 2001. In saying that, just over 4.5 per cent of those burns escaped. I think that percentage is too high. Again, it puts pressure on communities. That should not happen. We should be very careful about those prescribed burns. In some areas the fuel loads are very high. I do not have a problem with that in some of those areas if they are not next to town sites or farmland. I believe that nature should take its course. It is not always the case that 20-odd years' worth of litter on the forest floor is just packed up. It is eaten away. When it rains, it rots away. All the vertebrates and those sorts of things that get in there chew it away and turn it into —

Mr T.R. Buswell: Compost.

Mr M.P. MURRAY: That is the word I was chasing. The moisture is in the forest floor anyway. It is not as bad as people make out in some cases. For the life of me, I cannot see why we burn 10 000 hectares in the middle of nowhere. We should be putting buffers around towns so that when a naturally occurring fire does come through, perhaps as a result of a lightning strike, when it gets to town, it then starts to fizzle out because we have put those breaks in. It is a very costly exercise. I think we are changing ecology too quickly by burning large tracts of land in one hit because we have to burn this invisible figure of so many hectares in a certain time so we can come back and say, “No, we have had the controlled burns. We have burnt this great area of forest in the state.” Some of it is needlessly burnt. I believe that the forest in some places is just getting back to its natural state after five to

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seven years' rotation. The animals, snakes and all those sorts of things have moved back in and are starting to recolonise those areas. If we start another fire, we knock them over again. I am sure the ecology in those forests is quite different over 20 years as a result of the continuous burns. I have concerns about that, firstly, because I believe it is a real waste of money in some cases and, secondly, because we are changing the ecology by moving through our cycles too quickly. But as I said, buffer zones around towns and farmland certainly support that very strongly. They are just a few of those things.

In finishing, I would like to mention a lady in Collie. I am sure people up the back of the house would know Monika Nicholson who for a long time has been the backbone of FESA in Collie. I can guarantee that if someone is in Monika's road, they shift very quickly. If she does not run them over with her four-wheel drive, she will give them a spray and they will move anyway. She is always there and always available. For example, she will be at a promo downtown such as the Christmas pageant. She will have her group out there all "shinied" up and promoting FESA very, very strongly. I spoke about the storms the other day; if Monika is around, she is one of the first out there. With that, I can only say that people will be watching and there will be criticisms along the way, which happens when any changes are made. I am not concerned about that. I am concerned that we get the best for Western Australians and those volunteers, who do a great job.

MR P.B. WATSON (Albany) [9.12 pm]: I would like to talk about the Fire and Emergency Services Legislation Amendment Bill 2012. I read the minister's speech and he talked about how all the houses were destroyed in the Kelmscott–Roleystone area on 6 February 2011. We had a similar incident in the Little Grove area in Albany in March 2010. The whole community could have gone up. It was only a freak of nature that stopped that happening. We had tremendous bushfires that got out of control. It started when one of the Ulysses motorbike riders who were in town had an accident; they left the bike on the side of the road to look after the gentleman. A little fire started from that and from there we had this huge bushfire. We were very lucky. I happened to be sitting at a friend's house overlooking the harbour out towards Little Grove. At about six o'clock at night we had this tremendous storm and it rained continuously for about 20 minutes. That is what saved the Little Grove community. If the storm had not come, we would have lost not only the Little Grove community, but also the Albany Regional Prison and our water supply. It was only the great work by FESA and all the volunteers that saved those facilities.

I experienced an incident when I lived in Denmark and worked as a volunteer bush fire fighter. One long weekend someone decided to light a fire in their backyard; it just took off over a large area. I was on the back of a truck with a hose. The guy who was with me was a senior officer with the volunteers. We were going along when all of a sudden he told me to hit the tray, lie down and put the hose in the air. The flames had gone from one lot of trees to the other and I only knew that because I could not breathe. A lot of people do not realise that in a situation such as that, it is not the fire that kills people, but the lack of oxygen. I lay down and he got us out. But if we did not have an experienced guy there—I am sure the government will love this—I might not be here today.

Prescribed burns are a huge issue. In Denmark last year a prescribed burn caused a lot of damage to my friend Tony Pedro's land. It was a huge problem.

I do not want to talk too much tonight, but I want to bring up an issue that happened earlier tonight when the member for Vasse continued to bully women in the chamber. It is unacceptable and I feel he should apologise —

Point of Order

Mr R.F. JOHNSON: The member on his feet, the member for Albany, has just accused a member on this side of the house of unparliamentary behaviour. The member knows that that has been resolved and I think it is completely unnecessary for him to carry on. The member is not talking to the bill, which is the most important thing. I ask that the member talk to the bill and leave other members to deal with their situations.

Mr D.A. TEMPLEMAN: The Leader of the House jumped very quickly to his feet before the member for Albany had any chance to relate what he was about to say to the bill, and I am sure he will do that. I think that was a little too presumptuous of the Leader of the House.

The ACTING SPEAKER (Mr A.P. O'Gorman): I am listening very carefully to the member for Albany. If you stray too far from the bill, member, I will pull you back to the bill. If you do not stay on the bill, I will sit you down.

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Mr P.B. WATSON: It was during the debate on this bill that the bullying happened. I think it is unacceptable, but maybe they have different standards on the other side of the house.

Mr R.F. Johnson: It has been addressed and you know it.

Mr P.B. WATSON: It has not been addressed and people on this side of the house are still upset about it.

Mr R.F. Johnson: The member has apologised; all right?

Mr P.B. WATSON: If the minister has apologised, he admits that he bullied; is that what the minister is saying?

Mr R.F. Johnson: He has spoken to the member in question. He is not going to talk to you about it. It has nothing to do with you.

Debate Resumed

Mr P.B. WATSON: I have spoken to the member and she is still upset. If the minister thinks it is acceptable, he should go right ahead.

The water bombers in Albany do a tremendous job fighting fires right throughout the state. I fully support this bill. It is something that should have happened. It is especially beneficial to regional areas. Everyone is on edge during the fire season in Albany and in the great southern. I think it is great that we are doing something about it. I commend the bill to the house.

MR T.R. BUSWELL (Vasse — Minister for Emergency Services) [9.17 pm] — in reply: I thank members for their contributions on the Fire and Emergency Services Legislation Amendment Bill, as varied as the debate has been. A lot of members spoke from personal experience. Nearly every member in this house would have something to do with somebody who is involved in emergency services, either directly, member for Gosnells, indirectly or by association.

The first important thing to put on the record is that a lot of discussion today was around the bill and perhaps not necessarily to do with the technicalities of the bill. However, we will deal with that in consideration in detail. A lot of the discussion was about fire. Fire is present, obvious and dangerous, and it has had tragic consequences. However, we must remember that there is a raft of other emergency services. Fire emergency services are made up of three different areas—career firefighters, volunteer bush fire fighters and the Volunteer Fire and Rescue Service. Three different services of the community all generally deal with fire and/or other related issues. As the member for Collie–Wellington —

Mr M.P. Murray: Collie–Preston.

Mr T.R. BUSWELL: As the member for Collie–Preston, Wellington, Dardanup, Harvey, Dalyellup et cetera pointed out, the State Emergency Service volunteers around the state were certainly brought into the public's eye last week following the storms and the tornado. I went out to the tornado site with the member for Morley. We visited Dianella and Morley and we spoke with members of SES units who had come in from Cockburn, Merredin and a whole range of points in between to help that community.

Reflecting on comments made by the member for Armadale about the impact of the loss of homes on people in his community, I met a number of people last week who lost their homes in that storm. I saw the tragedy of a young couple in Dianella who had just finished renovating their very first home. Their roof exploded under the impact of an airborne projectile in the form of a 20 to 30-foot-long steel girder. I could lift up one end, so it probably weighed a tonne! It probably weighed a couple of hundred kilos. The whole roof was obliterated. I sat with them to try to understand the impact of that tragedy on their lives. The member for Armadale reflected that 70 homes were lost in his electorate as a result of the Perth hills bushfire. There were similar experiences in my electorate with the Margaret River fires. It is obvious that fire has an impact on our community. That is why so many people wanted to participate and speak in this debate.

The point I want to stress is that volunteers do not only put out flames. Volunteers go and find people on dark nights when they are lost. Volunteers help repair and maintain people's houses when they have been impacted on by storms. Volunteers go out to sea in boats to find people when they have run out of fuel or have become lost at sea.

I want to touch on three issues without going into the bill in any detail and wasting too much time of the house. Three issues came through repeatedly when people spoke. The member for Collie–Preston talked about the need to ensure that we do not scare off volunteers, to put it bluntly, through overregulation, over control and requiring too much training. I remember a volunteer in my electorate whose name is Geoff Morgan. He used to always

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introduce himself by saying, “My name is Geoff Morgan—capital M small organ.” He claimed he was in the volunteer —

Ms M.M. Quirk interjected.

Mr T.R. BUSWELL: I never worked out what that meant but I judge from the member for Girrawheen’s smile that she has!

Ms M.M. Quirk interjected.

Mr T.R. BUSWELL: He was, and still is, a volunteer of the fire and rescue service in Busselton. He reckoned the death of the service would be when they had to wear safety boots instead of thongs!

Several members interjected.

Mr T.R. BUSWELL: He is still there; that is fortuitous. The point I am trying to make is that change has to be brought in gradually. If the importance of it is explained, most people will accept that and move on. But Geoff “big M small organ” Morgan is a great bloke.

The member for Girrawheen talked about taking responsibility, as did I. I think we view this same issue as being important, but perhaps through different glasses, and I do not say that to be disrespectful. The member for Girrawheen’s point of view when she talks about responsibility is if there is an issue or incident and a review of that incident needs to be conducted, perhaps there is an onus on government and/or the responsible authorities to explain the outcomes of that review to the public affected by it. I accept the rationale of what she is saying. When I talk about responsibility, I say that if there is an incident and the public is running around trying to blame someone, often that is just a natural human response. I do not blame people for having that response. Responsibility means that the government, through the minister, or the organisation, through the commissioner, have the wherewithal, the capacity and the willingness to stand up and say, “There is an issue here; we will deal with it and it is our responsibility.” The member for Balcatta made a good point that that may vary from time to time depending on the minister of the day, but certainly when I speak with volunteers, and I know the member for Girrawheen has been there many times and I appreciate her turning up, there is a point I try to make: if it all goes sour—in a volatile emergency that can happen; we are dealing with a volatile beast in fire, in flood, in storm and all the other things people have to deal with—and it all heads south and issues need to be dealt with, that is when the government needs to step up and take some responsibility. Therefore, when I talk about responsibility, that is what I talk about.

I will quickly share with members a reflection on a meeting I had recently with a chap called Brad Commins; his name may be familiar in the house.

Ms M.M. Quirk: I’ve met him.

Mr T.R. BUSWELL: I have met Brad Commins and I have met his mother; she is a constituent of mine. Brad Commins was, and still is, a professional, highly regarded and highly trained forester. The State Coroner made certain findings in relation to Brad Commins and the Boorabbin fire. He believes those findings are in dispute based on an internal review conducted through government in relation to that fire. That matter is yet to be resolved and I will not comment on it. But I know that he is a very dedicated individual who was well regarded by his peers and by people he has dealt with for his lifetime, which has been dedicated to forestry, yet in the early days of the Margaret River fires, someone saw Brad Commins’ name on a piece of paper, and they pursued him—I do not even know the word—vigorously, as though he was single-handedly to blame for what happened in Margaret River. That clearly was not the case and it clearly could not be the case that a person who signs off as part of a long process involving a whole range of people perhaps a year ago could be held responsible for what, in many ways, was an unfortunate outcome due to a whole range of factors that Mr Keely identified. What I say when I talk about responsibility is that I want to protect people like Brad Commins. I do not want to have an individual hung out to dry in a trial by media. That is my job; that is the commissioner’s job. He knows that and I know that; it is not Brad Commins’ job. If Brad Commins or another person in his position makes a mistake that requires discipline, we will deal with it. But to hang him out in the way that happened with those Margaret River fires is shameful; it was shameful. Therefore, when I talk about responsibility, I talk about the minister’s responsibility in relation to his or her job, but I also talk about a minister’s and/or a commissioner’s responsibility to their organisation, to those volunteers and to those professional people who work within those organisations, be it FESA, DEC, the Forestry Commission or wherever. I say to those people, “You go out and do your best to fight those fires and defend your communities from those circumstances, and we will back you up. We will not leave you there to hang out to dry.” Because I can tell members, and they all know this, that this is a big issue. It is a big issue with volunteers and it is a big issue across our society that we

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ask people to put themselves in danger and to put their families through the stresses that that danger brings, and when it all goes to the pack, we run away. That will not happen on my watch, and I hope —

Ms M.M. Quirk: Do you think that situation might have been exacerbated by the fact that no-one else was putting up their hand?

Mr T.R. BUSWELL: That is a very good point, member for Girrawheen. In my view, one of the most important statements in the second reading speech for this legislation is this—I cannot remember that exact statement, but I know what it means: in the old FESA, the CEO had no operational responsibility for the organisation; in the new department of fire and emergency services, the commissioner, and by extension the minister to whom that commissioner reports, will have responsibility for the operational outcomes of the organisation. That, I think, in a nutshell summarises the very issue the member for Girrawheen raised: you cannot run and you cannot hide if you are the commissioner or the minister. I think that is a very, very important message in terms of policy. It is also a very important message to the communities that we support and protect, and to the volunteers from those communities who work so hard to support and protect those communities. As I think I said by way of interjection when the member for Girrawheen spoke, if the pervasive culture we allow to emerge is that after every emergency that has dire consequences we have to find someone's head to chop off, we will have no-one step forward or we will be requiring headless firefighters to put out fires. Headless firefighters will not put out fires. People will stop coming forward and I will not stand by and let that happen. I have a very, very strong belief that the intent of this legislation is not to let that happen. I think of all the things we have talked about that is the single most important outcome, and it is not just for volunteers; it is also for career firefighters and for people who take up a career in FESA in whatever way, shape or form that that career determines.

I quickly go to a couple of other points that were raised. There was a lot of discussion about the emergency services levy. I understand the opposition view that the government ratcheted up the ESL, and we did. The ESL goes into the general funding of FESA. There is a consolidated revenue addition to that funding and that basically pays the bills. Perhaps an interesting example of how the ESL manifests itself in better outcomes for volunteers in particular, because that is what a lot of the discussion has been about, is in the quantum of grants that go from the ESL to the State Emergency Service and to bushfire volunteers around the state. An SES unit or a bushfire volunteers unit belongs to the local government; it does not belong to FESA. To get the money out of the ESL, an organisation has to work with its local government and it has to put up a submission. We either fund or do not fund that submission, because it is a competitive tendering round. There are capital grants and there are operational grants. What I can tell members in relation to capital grants is that in 2007–08 they totalled \$10.7 million and for a few years either side they were about \$10.5 million to \$11 million. In 2010–11, the capital grants were \$18.6 million, which was an 80 per cent increase. In 2011–12, capital grants were worth \$17.3 million, which was a 73 per cent increase. When I travel around now and visit SES units and volunteer bush fire units, to name a couple, one of the things they talk about to me is the capacity they now have to access better equipment. It is incredibly important that they have good equipment and good training. I acknowledge that there is a point of difference about whether the government should or should not have ratcheted up the ESL, but what I can say, and what I hope members would understand from those figures is that the ratcheting up of the ESL has led to a direct increase of 80 per cent in the flow of funding through to volunteer bush fire brigades and SES units through that local government funding process.

Mr P. Abetz: And they needed it.

Mr T.R. BUSWELL: Of course, they needed it. My view is it is a good outcome. When I had the soon-to-be commissioner—hopefully—Mr Gregson in Busselton in his role as CEO, we went out to the SES and had a barbecue with the local volunteers; there were a lot of people there. Every bit of equipment was shiny and new. I said to them, “Dirty it! Make it look bad so we feel compelled to give you some more money!” That is a good outcome all over the state. Wherever we have gone I have tried to engage with volunteers, and so has Mr Gregson, to understand the issues and for them to share with us their concerns and aspirations. It has been a really interesting period of engagement, but I think whilst we may debate and dispute the increase in the emergency services levy, there is absolutely no doubt in my mind that the increase in the ESL has flowed through in better resources and equipment to the people who are at the fire front or at the emergency dealing with that particular issue.

I have one last point around volunteers, because I am pretty keen to get into consideration in detail on this bill tonight. We have 32 500 volunteers in WA; they are an incredibly valuable resource to our community. I would like to think that in my role as minister I have committed to engaging with as many of those volunteers as possible. I have met with volunteers from the great southern though to Derby. I think that is as far as I have been in the north so far, and a whole lot of points in between, including Geraldton, Busselton and range of other

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regions. They are a wonderfully committed group of people. One of the real positives out of the debate tonight is that right across the chamber, as I would expect, there has been a thorough understanding of the value of those volunteers to our communities. The government is committed to embracing our volunteers through the advisory committee structure, and I am glad that has been acknowledged. We have in place what the volunteer organisations asked us to put in place. It was not the initial option that was presented to us, but it was the option that the volunteers wanted and that is what we are happy to implement. There are other examples of our commitment to volunteers. One of the questions I was asked, particularly after the Margaret River fire, came after I met a lot of local bush fire brigade people. They said that people from FESA or the Department of Environment and Conservation came to town and took over the fire, which was a level 3 fire. They felt their local knowledge was, in part, pushed to the side and perhaps not valued. One of the issues they had is that to manage a level 3 fire, they need to have a certain level of training. Those people feel—they are probably right—that they have the practical knowledge they need to do that job. However, the member for Girrawheen knows as well as I do—this reflects what the member for Collie–Preston said—that the reality in the modern environment is if they cannot tick the boxes, it is very hard to get to that position. One of the things the government is committed to doing is to help our volunteers access better training, so, effectively, within the broad church of volunteering they have career paths open to them. We are currently exploring options to reopen or to enhance the Mundaring firefighting school so we can take all those bushfire volunteers in and train them up so that they can tick those boxes. I assume it will be easy for a lot of them, because they already have the practical skill sets they need. In my view, if we value volunteering we will provide the training they need to obtain the positions they aspire to so they can do the jobs they want to do. That is how we tap into this concept of local knowledge and expertise. We should not exclude them because they do not have the training; we will provide the opportunities.

The house will be pleased to note that the government’s commitment to volunteers is not just lip-service. It will not just be advisory committees that have an active role to play. Our commitment to volunteers will be to provide for them the training and opportunities they need to pursue within the sphere of volunteering that to which they aspire. That is a really important step forward that the government certainly supports and that I know the opposition would support as well.

I will close with a couple of quick observations. I was out recently at the graduation at the latest group of firefighters. I know that the member for Girrawheen was there, and I appreciate her coming along. It was a good day.

Ms M.M. Quirk: I always come along when I get invited; I do not often get invited.

Mr T.R. BUSWELL: I will invite the member to a lot of things in FESA. Perhaps not so much the road openings, but that is a different issue.

I still remember with some amusement—that is not the right word—some wonderment; that is not the right word either! I was just impressed.

Ms J.M. Freeman: Bemusement!

Mr T.R. BUSWELL: No, bemusement would be a belittling term, member for Nollamara, and we shall not go down that path. I was impressed when we opened the Mirrabooka Avenue–Reid Highway overpass. I think the member for Girrawheen would have beaten Usain Bolt from the marquis to the ribbon.

Ms M.M. Quirk: I got the biggest pair of scissors, too, minister!

Mr T.R. BUSWELL: The member did have the biggest pair of scissors.

Dr A.D. Buti: You are misleading.

Mr T.R. BUSWELL: The member for Armadale is a long-distance runner; he does not understand the psyche of sprinters like the member for Girrawheen and me. I have been described by many people as a sprinter. We got there quickly. I thought I got there very quickly, but the member for Girrawheen was there ahead of me and I was impressed.

Mr J.M. Francis: Like a modern-day “Boy” Charlton.

Mr T.R. BUSWELL: No, a modern-day Usain Bolt, and it was brilliant to see. The member for Jandakot has taken me off the subject.

I was talking about the firefighting school. We went out to watch the firefighters graduate, and one of the things I was really interested in was the diversity of backgrounds of those people. It was really interesting. There were

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ex—Western Australia Police officers, a lot of people from the defence forces, and a lot of people who had come across from volunteering. We had Daniel Metropolis, a former West Coast Eagles footballer, who unfortunately played for Subiaco.

Dr A.D. Buti interjected.

Mr T.R. BUSWELL: That was when his career was in its decline, member for Armadale. In his opening game Daniel Metropolis kicked six or eight goals, if my memory serves me correctly. It was a really great day. I think we have a challenger. I spoke to Lea Anderson from the WA United Firefighters Union, and I had a chat to Wayne Gregson about this. There were only two females who graduated.

Dr A.D. Buti: A bit like the Liberal Party!

Mr T.R. BUSWELL: The member for Armadale can make fun of that if he wants.

Ms M.M. Quirk: How could you describe that as diverse, minister?

Mr T.R. BUSWELL: I am saying diverse lifestyles and backgrounds, without gender diversity.

I think it is an issue for the agency. It is a discussion I have been having with a lot of my agencies at the moment and it is an issue that we are trying to work around. Lea Anderson was my tutor in industrial relations 101 at university and a colleague of mine in the university ALP. I thought she had moved on but I am not sure she has. She has some views about what needs to be done and I am happy to engage with the union about that.

With those few words, I reiterate my thanks to all members who have contributed. I know some of my colleagues are a little frustrated by the lack of time afforded them by the Leader of the House, but they know as well as I do that the most dangerous place in politics in Western Australia at the moment is between the Leader of the House and the knock-off bell, so I will sit down so we can proceed to consideration in detail.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Act amended —

Ms M.M. QUIRK: My query really relates to all of part 2. Under this bill, the Fire and Emergency Services Authority will become the Department of Fire and Emergency Services. The minister has canvassed this already at some length with the member for Balcatta. However, in having this new nomenclature, has there been any estimate of the cost of this change of name in relation to uniforms, logos, letterhead, signs and whatever else has to be initiated to change this name?

Mr T.R. BUSWELL: The advice I have is that this has been a long time coming, so we have reasonably been able to predict the end date, although it is never perfect. Uniform replacement will be based around normal wear and tear—when it conks out. I am not sure that there will be too many dramatic changes. I am not sure that the fluorescent orange of the SES will become the predominant colour. There will be a different uniform, or different elements, especially on the badging, but it will be a normal wear-and-tear replacement. My understanding, on advice from Mr Bailey, is that, from an operational point of view, stationery and those other sorts of fixed overheads that come with badging are being wound down in anticipation of a change. There will be some costs. I anticipate that they will be minor. I do not have a calculated amount that I could give to the member here tonight

Ms M.M. QUIRK: I also understand that identity badges for volunteers were in the process of being produced. They are important, as the minister knows, because volunteers will occasionally have to knock on a door as part of an evacuation and ask people to leave, and they need a badge that effectively shows the householder that they are authorised to do so. I understand that the production of those badges was delayed while the minister decided what the name of the department was going to be, the badging and so forth. I want some information about when we can expect that to be finally rolled out.

Mr T.R. BUSWELL: The delay was not while we decided what the name would be; the delay is while we get this legislation through the Parliament. Once this legislation goes through the Parliament and then works its way

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through the proclamation processes and royal assent, those badges will change. But, clearly, even though they seem relatively simple—they include the person’s date of birth—there is not just the name, but also the postal address and a couple of other things. The renewed one will start once those formalities are completed.

Mr M.P. MURRAY: Changes have been made previously. When there was a change of ties, for example, there was an argument for quite some years between the departments about what ties should be worn. Then there was the issue of the colours of the fire brigade—people could have white or red. Has there been communication between the departments to ensure that we do not go through that scenario again?

Mr T.R. BUSWELL: The advice I have is that the livery will remain relatively unchanged; it is really just the badging. As the member can see from Mr Bailey’s outfit, it is just the badging on the shoulder that will change.

Mr M.P. Murray: What I am saying is that there should be consultation with the groups before those changes are made, because that is what caused a problem previously.

Mr T.R. BUSWELL: I understand that; but my advice is that there will be no change, so the different groups will retain their different outfits. The only thing that will change effectively is the current FESA badging, because, as the member would be aware, marine rescue has an outfit, FESA has an outfit, volunteer fire and rescue has an outfit, volunteer bushfire people have an outfit, SES obviously has an outfit and volunteer emergency service units have an outfit. My understanding is that the basic livery of the outfit will not change; it is simply the badging that relates to FESA on the outfit that will change.

Ms J.M. FREEMAN: Under proposed section 3 of the act, the definition of “assistance operation” is set out in paragraphs (a), (b), (c), (d), (e), (f) and (g), and then says “in performing functions relating to emergency services”. I note that in the terms used in the act, there is no definition of “emergency services”. It is a pretty broad definition in terms of emergency services. I also note that in other, I suppose, fire and emergency service organisations —

The ACTING SPEAKER (Mr A.P. O’Gorman): Member, can we seek clarification? We are dealing with part 2, clause 3, on page 3.

Ms J.M. FREEMAN: Yes. We are at clause 3, “Terms used in this Act”, are we not?

The ACTING SPEAKER: No, that is further down. Clause 3, “Act amended”, states —

This Part amends the *Fire and Emergency Services Authority of Western Australia Act 1998*.

Ms J.M. FREEMAN: Okay; no worries.

Mr T.R. Buswell: You can deal with that at clause 7, I think.

Ms J.M. FREEMAN: I am now completely confused.

Clause put and passed.

Clauses 4 to 6 put and passed.

Clause 7: Part 2 replaced —

Dr A.D. BUTI: I am not sure whether the member for Nollamara will also talk on the same point, but I will commence. I refer to page 6. Sorry; I have missed it. It is all right.

The ACTING SPEAKER: You are on clause 7, proposed section 7.

Dr A.D. BUTI: Yes, I know, but that is not what I wanted. I wanted to deal with clause 6(3). It is too late.

Mr T.R. BUSWELL: While there is some debate about this, perhaps I can assist. We also have an amendment.

The ACTING SPEAKER: Is the minister going to move his amendment?

Mr T.R. BUSWELL: Yes. I move —

Page 8, line 27 — To insert after “money” —

from the Western Australian Treasury Corporation, or as otherwise approved by the Treasurer,

Amendment put and passed.

Dr A.D. BUTI: I thank the member for Cannington for clarifying my query. I refer to clause 7 on page 6, line 9, which refers to employment under the Public Sector Management Act. My question is premised on the previous bill that we had on the new Metropolitan Redevelopment Authority and the industrial protection of the former

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employees at the Armadale Redevelopment Authority. The minister is saying that they are employed under the Public Sector Management Act, but, of course, FESA, the FES ministerial body and those officers are not an organisation for the purposes of that act. Can the minister provide a guarantee that the employees will have the protection that all other public servants have under the Public Sector Management Act, even though it is not an organisation for the purposes of that act?

Mr T.R. BUSWELL: The short answer is yes, they will.

Clause, as amended, put and passed.

Clause 8: Part 3 heading deleted and Part 2 Division 2 heading inserted —

Mr C.J. TALLENTIRE: I have concerns about clause 8 that relate to the power of the minister to acquire property. Clause 8(1) states that the minister is empowered to acquire by taking on a lease or licence or in any other manner in which property may be acquired. It is an established practice in Western Australia that fair and just compensation is always provided for someone if this process involves the acquisition of property, particularly real estate as property. I would like to hear from the minister about what is intended here regarding the extent of the power. Would we be able to envisage perhaps a situation in which a minister might deem —

The ACTING SPEAKER (Mr A.P. O’Gorman): We need to ensure that we are dealing with the correct clause. We are on page 9.

Mr T.R. BUSWELL: Mr Acting Speaker, I might be able to provide some clarity. My understanding is that the member for Gosnells is referring to clause 7 and proposed section 8. However, I can broadly interpret his request as relating to clause 8, as I reflect on the broad nature of his question.

The ACTING SPEAKER: Can we just clarify that matter, minister? What the member for Gosnells is dealing with is clause 7, which we have already passed. He is dealing with proposed section 8 of clause 7. Unfortunately, we have already dealt with clause 7. If the minister can answer the member’s question under clause 8, because it is talking about the powers of the minister —

Mr C.J. TALLENTIRE: I appreciate that. I must point out that this is the third time that a member has been thrown off course because of the way these papers have been presented. There is a lack of clarity in the presentation of this bill. The numbering in the clauses is exceptionally confusing. That is why we have had a succession of members getting up and speaking on an important clause only to be told that there is something different in the numbering. There is a problem with the numbering.

The ACTING SPEAKER: If members look closely, at the top of each page there is an “s” and a number, which indicates the clause on that page. On page 8, under clause 7, there are proposed sections 8 and 9. That is what it is. We have unfortunately dealt with clause 7 in its entirety, as amended, and we are now moving to clause 8, which is on page 9. However, the minister has indicated that he is happy to respond under clause 8 because he understands your question. I will allow the minister to respond to the question. If the member is still not happy, he can ask that clause 7 be reconsidered once the entire bill has been completed.

Mr T.R. BUSWELL: I was trying to accommodate the member for Gosnells. I have read this bill a couple of times. Without trying to reflect negatively on the comments made by the member for Gosnells, I think the numbering is entirely consistent —

Ms M.M. Quirk: I’m having trouble as well.

Mr T.R. BUSWELL: Member for Girrawheen, page 8 clearly deals with proposed section 8 under clause 7. Again, just picking up on the comments made by the Acting Speaker —

Ms M.M. Quirk: But look at the next page. It is really confusing.

Mr T.R. BUSWELL: The next page concerns clause 8. It then goes to clause 9.

Ms M.M. Quirk: There are two 9s. There is proposed section 9 on page 8 and clause 9 on page 9.

Mr T.R. BUSWELL: I do not write the legislation.

Ms M.M. Quirk: I know, but it is complicated.

The ACTING SPEAKER: Members, we could argue about it all night. The easiest thing is that if the member for Gosnells is not happy about the minister’s answer to his question under clause 8 on page 9, we can reconsider clause 7 when we actually reach the end of the bill.

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Mr T.R. BUSWELL: Maybe I can deal with it. As it exists at the moment, this is merely replicating an existing power. I understand what the member is saying. It has the word “taking” in there. I think that means “taking on”. We are trying to maintain the actual and perceived independence of FESA into the department. I have to say that within government, that has not been entirely easy. The member for Balcatta referred earlier to the ability that this bill gives the new department of fire and emergency services to quarantine its ESL accounts from the Department of Treasury’s skimming mechanism. I am sure the member will one day get to be a minister—in a long time. They will come around at the end of the year and his cash balances will be skimmed by the central agency. That cannot happen to the ESL accounts here. Similarly, as the minister, I get to buy all these properties. I read it as saying that it includes taking on a lease or a licence, or in any other manner acquiring property. I have not been the Minister for Emergency Services for a long time, but I cannot recall us taking property in the way that Main Roads, for example, takes property. I have done Main Roads for a long time. We do take property. Notwithstanding the fact that FESA traditionally has not taken property, there is still a mechanism by which people can appeal Main Roads taking their property. In fact, there are a couple of things coming through now that I am not too happy about in which Main Roads has to pay substantially more than was originally anticipated because the courts have determined that proper compensation was not paid. In relation to FESA, generally when we acquire land, it is in an established area. We will generally acquire land for the purposes of a facility such as a fire station, be it volunteer, career or mixed, or for an SES unit and the like. Generally, that is by way of procurement from a private provider’s land. Alternatively, it may be a lease, but that would generally relate more to offices or we might acquire crown land by way of a management order. I am not aware of a circumstance in which we have physically taken land for the purposes of providing infrastructure. Certainly my reading of the word “take” is that we can take on the responsibility rather than take the land. Hopefully that gives the member some clarity.

Clause put and passed.

Clause 9: Section 11 amended —

Ms J.M. FREEMAN: Subclause (1) states —

Delete section 11(1) and insert:

- (1) Subject to the control of the Minister, the FES Commissioner is responsible for the provision and management of emergency services in accordance with the functions given to the FES Commissioner by or under the emergency services Acts.

Given that there is no definition of “emergency services”, what is the interrelation between emergency services and ambulances, given that ambulances attend emergencies as well and given that this is saying that the FES commissioner is responsible for emergency services in that way? I seek clarification.

Mr T.R. BUSWELL: Good question. I think the important thing to understand is that this act sits in and around a number of other acts to do with emergency services. I cannot remember exactly which ones they are, but they basically deal with bushfire, fire brigades, et cetera. The other acts that this act relates to and sits in and around give definition to emergency services. Those acts definitely do not include ambulances.

Ms M.M. Quirk: The Emergency Management Act.

Mr T.R. BUSWELL: Yes, the Emergency Management Act et cetera. I am informed that the Bush Fires Act, Fire Brigades Act and this act are the three acts that give definition, that are responsibilities, in this case of the commissioner. They basically define it as we have been discussing all night. I still think it is a good point; it is not clearly defined here, but the cumulative impact of those three acts is to deliver that set of responsibilities.

Ms M.M. QUIRK: Clause 9, as I understand it, deals with the FES Commissioner. Minister, I just seek some clarification of the current status of Mr Gregson. Is he currently acting chief executive officer of FESA? When this legislation comes through, he will be acting commissioner; is that correct?

Mr T.R. BUSWELL: My understanding is that Mr Gregson is actually the CEO. He was appointed on a 12-month contract. That is pretty much at its point in termination. I anticipate that there will be some announcements from governments around what happens from now moving forward in relation to Mr Gregson. In relation to transference to the FES Commissioner, I might have to get some more technical advice from the Public Sector Commissioner on that transition. I have just been advised—we will get to it at the end of the bill—that some provisions at the end of the bill deal with the transitional provisions. My anticipation would be, speaking frankly, that if Mr Gregson is to receive a longer tenure as the CEO of FESA in its current form, when this act passes and the position of commissioner is created, he would become the commissioner.

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Ms M.M. Quirk: Because there is provision in the legislation for the substantive CEO to then be called the commissioner.

Mr T.R. BUSWELL: He probably made us put that in.

Ms M.M. QUIRK: As I understand it, Mr Gregson's contract is up in August. I am not quite sure if that is correct. What I am inquiring about is, as I think the minister has confirmed, that it is not automatic that Mr Gregson has the substantive appointment of CEO and that it will be advertised and interviewed in the normal course.

Mr T.R. BUSWELL: No, that is not what I have said. What I said is that my understanding is Mr Gregson is currently CEO in the substantive position. He was appointed on a one-year contract.

Ms M.M. Quirk: Which is about to expire.

Mr T.R. BUSWELL: Which is about to expire.

Ms M.M. Quirk: And I am trying to ask what is happening at the end of that time.

Mr T.R. BUSWELL: The government will give consideration to the extension of his contract, as we do to a whole range of CEOs, as their contracts come to conclusion. My understanding is it is not incumbent on us to advertise that. We will make a decision based on advice provided in part from the Public Sector Commissioner as to whether he is reappointed or whether there is an advertising process. Given that we are nearly at the point at which his contract expires, we could reasonably anticipate, and I am sure the member will understand the sensitivities around this, that that process is well in hand.

Ms M.M. Quirk: I might do this by way of interjection. Minister, this also comes up in clause 52, so I will raise it then.

Dr A.D. BUTI: I refer to line 10 in regards to control of the minister. As the minister stated in the second reading speech, responsibility will be with the commissioner. Is the control of the minister on the policy and operational matters, or just operational matters or just policy matters? I presume it is policy matters at least, but what about operational matters?

Mr T.R. BUSWELL: My understanding is that basically what that means is that the relationship between the minister responsible for fire and emergency services and the commissioner is the same as the relationship that would exist between any other minister and the head of a government department.

Dr A.D. Buti: Except for the police commissioner, obviously.

Mr T.R. BUSWELL: Yes. There may be some others who think they have those. What it is doing effectively is, I think, creating a much tighter linkage, for better or for worse, as is often the case when these unions are entered into, between the performance of the agency, in this case the department, and responsibility of the minister.

Ms J.M. Freeman: By interjection, is that normal terminology, "subject to the control of the minister"? It seems like it is a very definitive statement about the clause. It is usually "delegation". It is quite a determinative and quite strong terminology.

Mr T.R. BUSWELL: I do not know; I cannot answer that question. I have never really dealt with legislation that has established an agency before. My advice is that it is a normal clause recommended for inclusion by parliamentary counsel. Control via minister is a widely interpreted definition. I think if any CEO or minister were asked what that means, they will probably give slightly different answers. There would probably be quite a wide range. I suppose that is the nature of the beast.

Ms J.M. Freeman: Just again by interjection, that would mean that if you direct the department, you would still need to put those directions in writing.

Mr T.R. BUSWELL: No; I would not imagine so. I can only reflect on what I do. If I need to provide some enlightened view to a port authority, I would do that by way of interjection. I generally do not agree. If it is with one of my other agencies, that is not required by legislation. It is generally done by way of some method of communication. That would be the same in government historically and I am sure, into the future, but it would depend on the relationship at the end of the day between the minister and the CEO. They differ as personalities differ.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Section 15 amended —

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Dr A.D. BUTI: Before I get on to clause 14, as the minister was explaining the close linkage between the CEO and the minister, the minister would make a good marriage celebrant when talking about the union. It was very moving, I must say. So maybe he should consider a career as a marriage celebrant.

Mr T.R. Buswell: I am assuming, member, you are reflecting on my personal circumstances.

Dr A.D. BUTI: Not at all, minister.

Mr T.R. Buswell: Being of a thick hide, I will not take offence.

Dr A.D. BUTI: May I return to clause 14. It is always an interesting one —

Mr T.R. Buswell: I am not assuming I will be in need of one in the near future, let me assure you.

Dr A.D. BUTI: We are talking about delegation. It is always interesting when we talk about delegation and “Without limiting the things that may be delegated ...” et cetera. I assume that we can get guarantee or clarification from the minister that delegation means the delegation of the actual action, not the delegation of the responsibility. The responsibility will rest with the minister. Whoever the minister delegates the action to, he will still have the responsibility, or the commissioner will have the responsibility.

Mr T.R. BUSWELL: That is a good point. It is a functional delegation. It is easy to say that the responsibility is here, outside of the stress of a real-life situation. Responsibility will rest where it will rest, but it should rest with the minister and/or the commissioner, and ultimately with the minister representing the government. We cannot dismantle an agency, that being FESA, and pull it closer to government through some things that we have just talked about and then pretend that we cannot be responsible for it. That is easy to say now, but in due course people may throw their arms up. I will give the member a practical example. Earlier this year, there were a lot of fires. There was a fire in the vicinity of Dongara. We have two type 1 water bombers—one based in Perth and one based in Busselton. One of the type 1 water bombers was sent to Dongara. That is about a 4 500-litre water bomber. It is a big one but not the really big “Marty”; it is the middle-sized one. FESA made a decision to return that type 1 water bomber to Perth because the risk factors in Perth, particularly in the hills, were very, very high. I had about three phone calls from people saying to me, “You need to call Wayne Gregson and tell him to send the type 1 back to Dongara.” I rang Wayne Gregson and inquired as to why the type 1 was being returned to Perth but most certainly did not have a conversation about where it should be deployed. In my view, I do not have that level of knowledge and would never profess to have that level of knowledge. I said to the people when they rang me, “That’s not my responsibility. My responsibility is to make sure we have the type 1s here. Where FESA decides to deploy them is their responsibility, ultimately.” If there had been a fire and we had not had the type 1 here, I am responsible. I think that is the difference with the functional decision making. That is not to say that functionality is something we should hide behind as a minister, but, again, I cannot say that down the track that is not an excuse or a defence that will be offered up. Certainly the intent of the act—I think it is entirely appropriate—is that functional delegations occur, but ultimately organisational, and I suppose by extension political, responsibility sits with the commissioner and/or the minister.

Clause put and passed.

Clause 15: Section 16 amended —

Ms J.M. FREEMAN: This is actually in clause 14, but I seek the indulgence of the minister because it is still an instrument by which a function is delegated. Clause 14(2), which seeks to amend section 15(2) of the act, refers to a public service officer not employed in the department. Can the minister give me an instance of where he would be delegating to a public service officer not employed in the department?

Mr T.R. BUSWELL: Generally this is the FES commissioner delegating authority to other people. The member is referring here to a public service officer not employed in the department.

Ms J.M. Freeman: I understand they can delegate to an SES or a FES unit.

Mr T.R. BUSWELL: It might be a DEC officer or it might be a police officer. More than likely it will be a DEC officer, but it could be a police officer. As the member rightly pointed out, it might not necessarily be a volunteer because an SES or a local bushfire control officer is probably not going to come under —

Ms J.M. Freeman: Yes, that’s already in there.

Mr T.R. BUSWELL: However, there are probably other examples that we can think of. A recent example in the Margaret River fire is that the fire control officer, Roger Armstrong, was from DEC. Therefore, it just gives them the capacity to utilise other resources as required with suitable delegation.

Clause put and passed.

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Clauses 16 to 19 put and passed.

Clause 20: Section 18H amended —

Mr W.J. JOHNSTON: This may be something that is well-known to others, but it is not known to me and it will relate to questions I will ask in respect of clause 20. I just want to get a picture. In proposed section 20(1) there are three paragraphs—(a), (b) and (c) —

Mr T.R. Buswell: Member, I apologise, but again it is that old problem. By way of interjection, I will just help —

Mr W.J. JOHNSTON: It is clause 24 I want to speak to.

Clause put and passed.

Clauses 21 to 23 put and passed.

Clause 24: Parts 4 and 5 replaced —

Mr W.J. JOHNSTON: I apologise for my previous error. I will go through everything in this clause at once to save some time. There are three categories of officials of the department—namely, public service officer, I sort of understand what that is; operational staff, for which there is a definition; and wages staff. I cannot see a definition of “wages staff”, so can the minister direct my attention to that? Proposed section 21(3) states —

The remuneration of, and other terms and conditions of service of, operational staff and wages staff are not to be less favourable than provided for in —

- (a) an applicable award ... or
- (b) the *Minimum Conditions of Employment Act 1993*.

I want to get a picture of whether the awards that, generally speaking, cover people who work for this organisation are intended to be paid rates awards or minimum rates awards? The minister probably does not remember, but a number of years ago when we amended the Police Act there was a discussion in this place about the difference between paid rates awards and minimum rates awards. This could be interpreted as an intention to turn a paid rates award into a minimum rates award, so I need clarification of that.

The final thing I seek clarification on in clause 24 is proposed section 22(3), which states —

Regulations may be made in respect of the entitlement of persons who are the subject of a determination under subsection (1) to rights and benefits that had accrued or were accruing at the time when the determination took effect.

That relates to people transferring from being operational staff to public sector staff. Proposed section 22(1) provides that the person can be transferred. Proposed section 22(2) states that determination can be made only if the person has agreed to it and proposed section 22(3) states that regulations may be made in respect of the entitlement. Therefore, I am wondering whether any procedure will be used to determine what those entitlements are. Is it something that the FES commissioner will determine unilaterally? Is there a procedure? What is intended to happen? They are three old-fashioned industrial relations questions, but I would appreciate it if the minister could let us know the details.

Mr T.R. BUSWELL: They are very good questions. I think the member for Girrawheen raised the issue of wages staff when she had the briefing. The advice I have is that “wages staff” covers a small group of people who are employed under the Fire Brigades Employees (Workshops) Award 1983. They are the mechanical and technical officers working at the O’Connor workshops. Those employees are covered by the Australian Manufacturing Workers’ Union. Whether they are minimum conditions or pay conditions, I do not know. I am assuming that everyone is happy with it. I could be wrong. I cannot answer that.

In relation to the second component of the member’s question, the advice I have is that those processes would generally be oversights by the Public Sector Commissioner.

Ms J.M. Freeman: Proposed new clause 21(1) states —

The PSMA Part 3 does not apply to operational staff or wages staff.

Mr T.R. BUSWELL: I understand that. This relates to transferring them to another category. I am just going on the advice that I have. When it comes to industrial relations, this is a very sensitive issue. We have done a lot of work, again not entirely supported by other areas of government, to ensure that some of the unique pay and

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conditions within the existing FESA have been preserved. I am hopeful that the member for Girrawheen will support this. No issues have been raised with me by staff about the transitional provisions if they apply or where we intend to get them. I cannot drill down into that level of detail. I know that a lot of effort went into making sure that the transition had no negative impact now or into the future on anyone working there. It just was not designed to do that. I cannot technically answer the exact detail of that question but I would suspect that if there were an issue, I would know and the member would know based on the representation those people have available to them.

Mr W.J. Johnston: Is there an assurance available to us, maybe at a later date, that these provisions do not allow a unilateral setting in terms and conditions of employment?

Mr T.R. BUSWELL: My understanding is that these are modelled on similar provisions in the School Education Act to assist when teachers move into an administrative role and perhaps out of an administrative role back into a teaching role. We can certainly seek to provide those undertakings. I have no problem with that. I understand that it is not common but there is some precedent in the use of this type of terminology and mechanism to deal with those sorts of transitions.

Ms M.M. QUIRK: I want to move to the provisions dealing with advisory committees and also the volunteer advisory committees. I understand—the minister can correct me if I am wrong—that the advisory committee would be set up for a specific issue. If there were a specific issue relating to, for example, whether all-terrain vehicles should continue to be deployed, the minister might want to set up a committee comprising various people who have some knowledge or require some use of these vehicles in their work to determine that and to make certain recommendations to the minister about whether those vehicles are deployed. That is my understanding of that section.

Mr T.R. Buswell: Yes.

Ms M.M. QUIRK: That is a subject matter. The minister has a discretion as to whether or not he appoints them.

Mr T.R. Buswell: Correct.

Ms M.M. QUIRK: It is my understanding that there will be regulations covering those committees, as well as the volunteer advisory committees.

Mr T.R. Buswell: My understanding, member, is that in relation to those—let us call them incidental committees or case-by-case committees—the regulations will not be used to provide that detail; it will be provided in the notice that establishes the committee. Proposed clause 24(5) states —

An advisory committee is to be established by an instrument signed by the Minister that —

- (a) identifies the members of the committee and the length and conditions of each of their appointments; and
- (b) sets out the duties and responsibilities ...

Ms M.M. QUIRK: Further to that, let me get this straight: the minister could set up a committee like that in relation to a particular issue, but that is not the level of committee that the minister would be sitting on, and potentially there could be —

Mr T.R. Buswell: I think, member, it would depend on the nature of the committee. I think if it was all-terrain vehicles, as the member pointed out, probably not, but there may be a different issue. Perhaps one issue that comes to mind is a need to provide advice around the types of insurances provided to volunteers, which was touched on tonight. I think it is important that I have an interest in that. It would depend.

Ms M.M. QUIRK: What I am really getting at, which goes back to an issue that has been around the Fire and Emergency Services Authority for many years, is that there is an expectation that if people spend their time on these committees and they are there in their representative capacity, there will be a conduit to the minister, though the commissioner, and these views will be taken on board and acted upon.

Mr T.R. BUSWELL: Again, this provides a mechanism or a tool for ministers to use in the future; I can only talk on behalf of my own views.

Ms M.M. Quirk: That is all I am asking.

Mr T.R. BUSWELL: My own view is that I would not be inclined to set up an advisory committee if I was not interested in receiving its advice. I am not one to rush out and set up an advisory committee, to be honest. I think

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someone is paid to absorb information and make decisions. But there will be times when we need to absorb the advice of people, and the advisory committee will provide a mechanism to do that. I would not set it up at a personal level unless I was interested in the feedback provided. I think it is a very important tool not only for the minister, but also for people who may be engaged in those advisory committees.

Ms M.M. QUIRK: Just further on that issue, if I can again use the example of all-terrain vehicles, I understand the minister has requested the report from the Chamber of Commerce and Industry of Western Australia. Would that not be something that an advisory committee could be set up on, and then the minister would not need to farm out that sort of policy work to a body like the CCI?

Mr T.R. BUSWELL: I think it would depend on the issue. It may well be that in some cases we are chasing technical advice, and if we are chasing that sort of technical advice, there may be an external body that is better to provide it rather than an advisory committee. It may well be that we are seeking advice of a more practical nature and we want to draw in a variety of opinions. I really think it is a horses for courses-type application. Notwithstanding that, I still think it is an important tool for either me or future ministers to have available to them.

Ms J.M. FREEMAN: I am just wondering whether the advisory committees will be paid. Will they receive public sector payments for the type of committee they are?

Ms M.M. Quirk: Yes; it is in proposed clause 24(8).

Ms J.M. FREEMAN: Thanks.

Ms M.M. QUIRK: In relation to the volunteer advisory committees, is that still under the same clause?

Dr A.D. Buti: I haven't finished with clause 24 yet.

Ms M.M. QUIRK: It is still the same clause.

Dr A.D. Buti: Sorry.

Ms M.M. QUIRK: The minister is required to set up these committees in relation to each of the services that are set out under proposed clause 25(3)(a) and (b).

Mr T.R. Buswell: Yes; the member is right.

Ms M.M. QUIRK: I understand that there are regulations—if the member for Swan Hills needs to go home, he is excused as far as I am concerned. The operation of these are governed by regulation; is that correct?

Mr T.R. Buswell: My advice is that an instrument would establish them, although I cannot find where it is mentioned in the bill.

Ms M.M. QUIRK: There were discussions about “prescribed”, so that usually implies regulation.

Mr T.R. BUSWELL: I think the member will find that the associations will be prescribed. However, my understanding is that proposed section 24(5), which refers to the instrument to establish an advisory committee, also covers voluntary advisory committees. The prescription relates to the relevant particular duties and responsibilities of the volunteer advisory committee.

Ms M.M. Quirk: So that is the instrument that is gazetted; is that correct?

Mr T.R. BUSWELL: It does not have to be gazetted; it has to be signed by the minister. I assume that it will be a public instrument.

Ms M.M. QUIRK: Again, I am interested in whether that instrument will contain things such as how often the committee will meet, obviously who will be members of that committee, what processes will be undertaken by the committee, what consultation there will be with committee members and so on.

Mr T.R. BUSWELL: The instrument—I am looking at proposed section 24(5)—will identify the members, the length and conditions of appointment, duties and responsibilities et cetera. A lot of the matters that the member is talking about are procedural operations of the committee. I assume that they would be determined by the committee.

Ms M.M. Quirk: This goes back to recent history. In some advisory committees under the current regime, minutes have not even been taken. I am concerned about ensuring that these meetings are conducted in such a

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way that there are formal records and that if you are not on the committee, the information in some way flows up to you and to the commissioner.

Mr T.R. BUSWELL: That is a good point. Proposed section 24(7) provides that an advisory committee may determine its own proceedings. Proposed section 25(4) provides that the committee must be made up of a majority of members nominated by the relevant prescribed association. The point of difference is that the volunteer advisory committees will have a majority of members from volunteer organisations. Within the confines of the instrument under proposed section 24(5), they will have the capacity for self-determination to some degree. Given that the committee will be made up of a majority of volunteers, I would hope that they would exercise those powers in a way that is reflective of the will of those volunteers.

I fully understand the issue that the member has raised. It is one of the reasons we have tried to change the nature of advisory committees. When I met with the volunteers when I first got this portfolio, one of the issues they raised was quite simply—I am not saying that this is right or wrong or accurate or inaccurate—that they felt that the previous committee structure was designed to take messages from the top and move them down. This committee structure, with a majority of volunteer members who have the capacity for a fair degree of self-determination, is designed to give them the capacity to take information from the bottom—I do not mean that in a hierarchical sense, but from the coalface—and push it up. I cannot tell the member with my hand on my heart that they will all do this and be functional, but I hope they do. That is the entire purpose of this structure. Again, we went back to the volunteers with this structure. This was not the original recommendation.

Ms M.M. Quirk: That is what I was going to ask you.

Mr T.R. BUSWELL: I cannot remember the original recommendation, but it was not this. It was not as prescriptive as this in terms of the associations and the like. This is a good outcome.

Ms M.M. Quirk: If they have asked for it, that is fine, but it seems to me, minister, you could have under proposed section 25, say, on a committee with a majority of SES persons and they are all in fierce disagreement and there are a couple of underlings from FEES there—I am having trouble working out what to call it; I will call it FESS—and frankly it is a pretty futile exercise.

Mr T.R. BUSWELL: A structure can be set up that we think will work; this is a structure that I think will work and that the volunteers think will work. If there is dysfunction there, I would like it brought to our attention and we would have the capacity to deal with it. I cannot guarantee to the member that if there are five members on a committee, three of whom come from the volunteer organisation and two of whom are not from the volunteer organisation, and not necessarily associated with FESA, but are not from the volunteer organisation —

Ms M.M. Quirk: Can I put it another way? What level would you contemplate that that representation from the department would be at?

Mr T.R. BUSWELL: Under the new structure, each of those areas will either have a deputy commissioner or an assistant commissioner, and I would imagine that they would be on those committees.

Ms M.M. Quirk: All right; that is really all I need to know.

Mr T.R. BUSWELL: So, it plugs in at the upper level of the organisation.

Ms M.M. Quirk: Yes.

Mr T.R. BUSWELL: But I respect the concern the member has raised.

Dr A.D. BUTI: Under proposed section 24 there are the advisory committees and under proposed section 25 there are the volunteer advisory committees. I presume there is nothing stopping the advisory committees from looking into the same matters that the minister wants the volunteer advisory committees to look into. As the minister mentioned, the volunteer advisory committee has to have a majority of appointees nominated from the prescribed association; therefore, to circumvent that, the committee could be set up to look into the same matter as the advisory committee. Is that not correct? It has not been stated that under the volunteer advisory committee there is exclusive jurisdiction to deal with the various matters under proposed section 25(3), which is still under proposed section 24.

Mr T.R. BUSWELL: A person could, but they would be pretty dopey to, because they would be inviting, I imagine, a fair degree of criticism from the individual group they have effectively tried to disenfranchise. I just cannot imagine why someone would do that, to be honest.

Dr A.D. Buti: But someone might. Would it not be better to put something in the legislation to prevent that? Because ministers will not all be great ministers like you!

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Mr T.R. BUSWELL: Irrespective of the level of greatness obtained by ministers—of course it is only for the future to decide, and the member knows I am coming to the train station, so he can calm down!—the issue is that the minister is not compelled to accept the views of the advisory committee. The minister could determine something completely different off their own backs from some crazy idea they have—I am not saying we have crazy ideas. Technically the member is probably right, but it would be fraught with danger and I can tell the member quite clearly that the intent of the advisory committee to be established under proposed section 24 is to give the capacity to deal with issues that work across those different areas and, again, the point about volunteer insurance is probably a good case in point—and there will be others. One of the things I am interested in is the attraction and retention of volunteers. Attraction and retention of volunteers is not just to do with bushfire volunteers. It is not just the State Emergency Service, it is not just the volunteer marine rescue services and it is not just WA Volunteer Fire and Rescue; it is across all of those disciplines. My view is that we are giving the minister the capacity to come up with or to seek advice on issues that affect everyone. If it is an issue that clearly affects one area over the other, we would get them to do it. The member is right that technically what he mentioned could be done, but, geez, it would be opening a can of worms.

Clause put and passed.

Clauses 25 to 38 put and passed.

Clause 39: Part 8 inserted —

Ms M.M. QUIRK: I refer to proposed section 48(2), (3), (4), (5) and (6) on page 32 of the bill. Could the minister explain those subsections in plain English? I think the parliamentary counsel could have done better; it is incomprehensible.

Mr T.R. BUSWELL: This is a detailed area of the bill that effectively deals with the transfer of assets from the authority, the ministerial body corporate. My understanding is that those proposed subsections deal perhaps with circumstances in which there may be assets that—how can I put it?—temporarily cannot be moved from the authority across to the body corporate. I am trying to find some examples, but the advice I have is that there are none. This gives the capacity to appoint an individual to have carriage of an asset until it is dealt with. The member for Girrawheen is right, and it is difficult to decipher the subsections, but in layperson's terms it is a safety net designed to assist that asset transfer.

Mr W.J. JOHNSTON: I refer to page 39, new section 62(3), which reads —

Regulations referred to in subsection (2) may provide that a specific provision of this Act does not apply, or applies with specified modifications, to or in relation to any matter.

That is an incredibly broad regulation power. I note that proposed section 62(6) provides that would end after 24 months. I wonder what we are doing here. Why not pass that one subsection by itself and then the minister can do whatever he wants, until it is time to come back and pass a different bill? Is there a particular reason for having such an extraordinarily wide regulation power? I understand, of course, that in any transition period there will be complications that might be unexpected, but is the minister expecting them to be so unexpected that he can set aside the act?

Mr T.R. BUSWELL: That is a good question. Again I can only go on advice, which is that this new subsection was recommended by parliamentary counsel, and it is a somewhat empowering clause. Although if the member for Cannington steps back, new section 62(3) relates to proposed subsection (2), and proposed subsection (2) relates to a transitional matter, and proposed subsection (1) defines a transitional matter.

Mr W.J. Johnston: But the definitions are specified in regulations.

Mr T.R. BUSWELL: Yes, and we do love those. As the member knows, regulations are subject to perusal by the house, and I am sure if the opposition sees anything that relates to proposed section 62 —

Ms M.M. Quirk: I warn the minister that the member for Nollamara is on the Joint Standing Committee on Delegated Legislation.

Mr T.R. BUSWELL: I have dealt with that committee before. I will say again that it is similar to the clause that the member for Girrawheen asked about before, and I appreciate the potential for somewhat broad interpretation. However, all the advice I have is that it was recommended by parliamentary counsel simply as a mechanism to deal with any unforeseen circumstance as a result of the transition. I cannot say that there will be any unforeseen circumstances, but there may; and, if there is, Parliament will be notified and we can deal with it at that time.

Mr W.J. JOHNSTON: I think there might be one other provision in this clause that I wanted to look at.

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The DEPUTY SPEAKER: It is in clause 39, is it?

Mr W.J. JOHNSTON: Yes, that is indeed the case. It is on page 35. I know that the minister had a bit of interchange on this topic with the member for Girrawheen when we were dealing with an earlier provision. It is the provision about the chief executive officer being the person holding the job on the date. It appears that this provision allows a person to be appointed as the commissioner without having to go through a competitive process. I wonder whether that is considered by the government to be the most efficient method, given, as I understand it, that the person on the 12-month contract in the current CEO role did not go through a competitive process because they did not have to because it was a 12-month appointment. Now this provision will appoint that person as the commissioner, but there is still no competitive process. What assurance can we have that the person who ends up with the job will be the best person for the job?

Mr T.R. BUSWELL: That is a good point. I think the issue here is that when the government appoints or reappoints to the position of CEO of FESA—that will happen before this bill is in place—it understands the implications of that appointment. We can make a decision, as would any government, at the end of that one-year period as to whether we reappoint for a period of time or whether we go through a competitive process. That is what happens when CEO contracts come to their end point. Sometimes they are rolled over; sometimes they are not.

Mr W.J. Johnston: But ordinarily a person gets to be the head of a department only after going through a competitive process.

Mr T.R. BUSWELL: I understand what the member is saying. He is saying that Mr Gregson was given a one-year contract; therefore, he was afforded the luxury of avoiding the competitive process.

Mr W.J. Johnston: And I have got —

Mr T.R. BUSWELL: No, I know the member is not talking about —

Mr W.J. Johnston: Wayne Gregson is a revhead like me, so I am happy to —

Mr T.R. BUSWELL: Yes, he is, and he was bitterly disappointed that his beloved Ford lost in Darwin last Friday and Saturday. I am glad he was up there on Friday and Saturday, enjoying himself, of course.

Dr A.D. Buti: You'll have to pay him well.

Mr T.R. BUSWELL: No. I have no idea what he is paid. It is really for him and the Public Sector Commissioner to work through those processes. I understand what the member is saying. He got the one-year appointment and therefore avoided the competitive process. We now have the capacity, if we choose, to roll his contract on for a period to be negotiated, thus avoiding the competitive process. I suppose my message to the member is that if we are confident in government that he is the right person for the job and is doing a good job, it is our prerogative to do that. These things happen. I do not think he was back-doored into the position. I think we needed someone to fill the role and he was headhunted, and he has done a great job. As I said before, his contract is up soon, and that process is now well in hand. However, clearly, irrespective of what happens in and around Mr Gregson, this process says that whoever the chief executive is at the time of the transition will become the first commissioner. Personally, I do not have a problem with that. Interestingly, as we were discussing before with Mr Bailey, they will become a uniformed commissioner in charge of the organisation. My view is that that is a good thing. For the first time for a long time, the person in charge of this organisation will have direct operational responsibility for the agency. I think that is a good outcome but I understand the point the member raised about the appointment process.

Clause put and passed.

Clauses 40 to 48 put and passed.

Clause 49: Section 14B amended —

Ms M.M. QUIRK: There has been lack of clarity in the authority of police officers to exercise certain powers that they need in the course of closing roads, evacuation and the movement of people during an emergency operation. As I understand it, police do not have general authorisation but are authorised in relation to a specific incident and that that authorisation is effectively given by the incident controller.

Mr T.R. BUSWELL: It is my understanding that under section 13 of the Bush Fires Act, when a person is given control of a fire—appointed as incident controller—those responsibilities automatically flow to the police.

Ms M.M. Quirk: If that is the case, minister, why was it necessary to make this amendment? It is in the Bush Fires Act.

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Mr T.R. BUSWELL: Maybe I provided some information that was not quite accurate. I understand that previously those authorised people did not include police officers. This bill now includes them. Previously, the people who could use powers were bushfire control officers, liaison officers, authorised CALM act officers and officers and members of a bush fire brigade.

Ms M.M. QUIRK: Are police then, effectively, authorised to do all things that are necessary to presumably promote the objectives of the Bush Fires Act or do they have general authorisation? I will give a very extreme example. It will probably not happen, but if they were authorised to execute the evacuation of a particular street and they went to a house and the occupier said, “Get stuffed”, and the policeman tasered the occupant, that seems to me to be beyond his level of authority.

Mr R.F. Johnson: They are not allowed to use them for compliance purposes.

Ms M.M. QUIRK: I know that, Minister for Police, but it is not unheard of that they do.

Mr T.R. BUSWELL: It is a very interesting area. Under the Bush Fires Act, section 14B(2), which is what we are reading about, states —

During the authorised period, an authorised person may do all or any of the following —

- (a) direct, or by direction prohibit, the movement of persons, animals and vehicles within, into, out of or around the affected area or any part of the affected area;
- (b) direct the evacuation and removal of persons or animals from the affected area or any part of the affected area;
- (c) close any road, access route or area of water in or leading to the affected area.

The penalty for failure to comply is a fine of \$25 000. I am assuming on the strictest interpretation that someone who fails to comply can be arrested. I cannot speculate on how that would play out practically. Would a copper put handcuffs on the person who does not evacuate and drag them out?

Ms M.M. Quirk: It’s a long, hot day, he is very tired and he’s got a short fuse.

Mr T.R. BUSWELL: The only thing is that there would be probably 20 other people to evacuate.

Ms M.M. Quirk: Yes.

Mr T.R. BUSWELL: I reckon they would probably get back to them in due course. I cannot give a definitive answer. I can only say that giving police access to those powers is already contained in the Bush Fires Act.

Ms M.M. Quirk: And they are limited effectively by what is in the Bush Fires Act.

Mr T.R. BUSWELL: Correct.

Clause put and passed.

Clauses 50 and 51 put and passed.

Clause 52: Section 22C amended —

Ms M.M. QUIRK: This clause really relates to the chief executive officer becoming the Fire and Emergency Services Commissioner. The minister responded earlier to some questions I and the member for Cannington had, but I need some clarification. The current CEO, Mr Gregson, was appointed for a 12-month period in September 2011. Is that the minister’s understanding?

Mr T.R. Buswell: Yes.

Ms M.M. QUIRK: Given the timing of this legislation, it may well be that consideration has to be given to his reappointment as a CEO rather than as the commissioner, because the 12 months will expire in September.

Mr T.R. Buswell: Yes.

Ms M.M. QUIRK: That reappointment is not automatic; is that correct?

Mr T.R. Buswell: Correct.

Ms M.M. QUIRK: Does the minister contemplate that there will be advertising for that position?

Mr T.R. Buswell: I think all I would be prepared to say by way of interjection around that—and I’m not trying to be cute, as these are sensitive matters—is that the matter is currently being considered by government.

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Ms M.M. QUIRK: It is interesting because I was advised by the Public Sector Commissioner in May of this year that as the matter is now before Parliament, it should be considered as part of Parliament's debate on the bill. We are now in the position that the minister will not answer and the Public Sector Commissioner will not answer.

Clause put and passed.

Clauses 53 to 56 put and passed.

Clause 57: Section 27B amended —

Ms M.M. QUIRK: An amendment to section 35 of the Bush Fires Act is referred to at the bottom of page 50 of the bill. As I understand it, if someone refuses to clean up, the FES Commissioner can authorise his agents or someone to clean up as required and then recover the cost. I understand that provision already exists under the current legislation. How many times has that power been used in recent times?

Mr T.R. Buswell: The advice I have is that it has not been.

Clause put and passed.

Clauses 58 to 83 put and passed.

Clause 84: Section 47A deleted —

Ms M.M. QUIRK: I understand under section 51 that will be amended. This is again an existing provision that enables brigades, at the discretion of the authority as it now is or the department as it will subsequently be, to make payments for brigades. I just wanted to know under what circumstances the minister would contemplate making payments. I understand none has been made to date, but it seems to me there might be some exemplary examples where discretionary payments might be warranted.

Mr T.R. BUSWELL: Member, it is actually clause 86 that we are dealing with, but as we look at clause 84 in contemplation of clause 86 —

Ms M.M. Quirk: Thank you.

Mr T.R. BUSWELL: That is all right. The short answer is it has not been used. Can I give you some examples of where it could be used? To be honest, I think it is good issue. I am struggling to come up with an example of where a payment would be made under this provision. A lot of exemplary service at a personal level is recognised by the different service awards that are made. Brigades, I would hope, do not need recognition to be by way of provision of extra equipment, because I think we have more funding now to do that. I might have to hear some more advice on that, member, and get back to you, if that is okay.

Ms M.M. QUIRK: While we are on that point, I am not sure what happens with brigades, because certainly with other emergency services personnel in other areas, there is some variation about, for example, payment of expenses as opposed to salaries—petrol expenses or whatever. I would see a situation where maybe someone is on call and uses their private vehicle on a number of occasions in a short amount of time to have to report to the brigade at a very busy period and whether it might be appropriate in those circumstances to direct that those officers might get some reimbursement for their petrol costs or something if it was particularly busy and they were placed under enormous pressure.

Mr T.R. Buswell: I will just have to get some more advice around that.

Clause put and passed.

Clauses 85 to 87 put and passed.

Clause 88: Section 54 amended —

Ms M.M. QUIRK: This clause deals with fire hydrants in relation to country fire brigades; is that right, minister?

Mr T.R. Buswell: It is hydrants in fire districts.

Ms M.M. QUIRK: I did let your advisers know; the explanatory memorandum says —

Section 54 concerns the provision of fire hydrants in fire districts. It is amended so the FES Commissioner is responsible for this function and the property in fire hydrants vests in the Minister.

The minister will be aware of what I said in the second reading debate, that this is not on all fours with the Water Services Bill that the Minister for Water has brought in. It is in fact a recommendation of the Keelty report that

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the responsibility for fire hydrants vests with the Water Corporation. I really need some clarification as to why there is not a level of consistency between this and the other clause and how we might resolve it.

Mr T.R. BUSWELL: That is a good question, member. It is related to the relative passage of two bills through the Parliament, and there is some inconsistency. My understanding is that if this bill passes through both houses before the Water Services Bill, this bill will maintain the status quo; and once the Water Services Bill passes through the Parliament and is proclaimed, that will effectively amend this bill and change the status quo. If the Water Services Bill gets through Parliament—I know this is complicated —

Ms M.M. Quirk: Then you've got a problem!

Mr T.R. BUSWELL: No; then we will have to amend this bill. It is not a problem, but it is anticipated. I am thinking, at the relative speeds at which we are, in a cunning and skilful way, manoeuvring these bills through the Parliament, that this will go first —

Mr W.J. Johnston: So that is why the other one has been delayed?

Mr T.R. BUSWELL: Absolutely, member for Cannington—I am glad the member has had a small, but insightful, window into the operations of government. It was always our intention that off a short run, this bill would sprint through the house, whereas the Water Services Bill obviously has been progressed deliberately, one could say, straight after this one, but somewhat more slowly —

Mr W.J. Johnston: In fact, I started my speech in the second reading debate on the Water Services Bill and it was four and a half months before I concluded it!

Mr T.R. BUSWELL: It was absolutely anticipated, was it not, Leader of the House?

Mr R.F. Johnson: Absolutely!

Mr T.R. BUSWELL: In fact, my very clear understanding is that this bill will pass through, go to the other place and be dealt with, and the Water Services Bill will subsequently pass through and amend this bill.

Ms M.M. Quirk: It's in the pipeline!

Mr T.R. BUSWELL: It is in the pipeline! Yes. Thank you.

Clause put and passed.

Clauses 89 to 94 put and passed.

Clause 95: Act amended —

Ms M.M. QUIRK: The minister would appreciate that the issue of superannuation is of concern to career firefighters. My understanding is that this clause will preserve their current position. But for the purpose of assuaging any concerns that they might have, could the minister confirm that this will preserve their current position, rights and entitlements to superannuation?

Mr T.R. BUSWELL: I absolutely can. The Fire and Emergency Services Superannuation Act confers a defined benefit scheme on firefighters and I think a couple of other people. Again, I would have to say that this is one of those things where, in its passage through Parliament, there were certain people who looked with envy at others—just as, member for Girrawheen, some of the newer members of Parliament look with envy at some of those more experienced people here, whose effective income is perhaps double that of some of the other members, based on a defined benefit scheme —

Ms M.M. Quirk: And he doesn't even need it, minister!

Mr T.R. BUSWELL: Oh, the well-heeled member for Hillarys!

I may make light of that, but if a person who is under a defined benefit scheme is doing the special job that we all know firefighters do, then clearly we needed to go to some considerable lengths within this bill to protect that defined benefit scheme. That has happened, and, again, the reason I know it has happened is that if there was any way that this would threaten that structure, I suspect that the United Firefighters Union would have been on our doorsteps pronto, Tonto. My understanding—I have only had a conversation in passing with Lea Anderson about this—is that it is not an issue. I am assuming—in fact I am sure—that the member for Girrawheen has had the same advice. I am confident that notwithstanding the efforts of some in government to try to erode this entitlement, the advice we have had from the State Solicitor's Office, and certainly the advice we have had from the union, is that that entitlement has been preserved. Yes, it is a unique benefit conferred on firefighters because they provide a unique service to the community.

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Dr A.D. Buti: So who were the people the government wanted to —

Mr T.R. BUSWELL: There are always people in government.

Dr A.D. Buti: Name them!

Mr T.R. BUSWELL: It is not for me to name them because they may require a callout at some time, member for Armadale! Suffice to say, there are some people who do not enjoy the generosity of a defined benefit scheme. I am one of those, as is the member for Armadale.

Mr W.J. Johnston: But there's a specific reason firefighters get it.

Mr T.R. BUSWELL: Yes, I understand that. However, I think it is good that we preserve it, so it is there—preserved. The advice I have is everyone is very comfortable with it.

Ms J.M. Freeman: So that is for all new firefighters, but if they contribute in addition to their defined benefit fund, do they get choice over that?

Mr T.R. BUSWELL: All I know is that whatever they do now, they can still do. I cannot answer that particularly, but I know that whatever they do, they can keep doing, and everyone seems happy doing it now and I am sure they will be happy doing it in the future.

Clause put and passed.

Clauses 96 to 147 put and passed.

Title put and passed.