

RURAL FIRE SERVICE — ESTABLISHMENT

Motion

HON RICK MAZZA (Agricultural) [5.19 pm]: I move —

That this house supports —

- (a) the creation of an independent rural fire service consistent with the recommendations of the Euan Ferguson report;
- (b) the new RFS being funded by a proportion of the emergency services levy;
- (c) the ESL being treated the same as other sources of state revenue and collected by the Department of Finance;
- (d) the Department of Finance to then remit funding to the Department of Fire and Emergency Services and the RFS as per operational and budgetary requirements; and
- (e) the house directing the Standing Committee on Public Administration to inquire into the implementation of an independent rural fire service and report to the Legislative Council within 12 months of the referral.

Thank you, Madam Acting President (Hon Adele Farina), and I would like to congratulate you on your appointment. It is good to see you in the chair this term after the last term.

Bushfires are a natural part of the Australian landscape. Over the last 15 years, more frequent and bigger unmanageable fires have occurred. Records state that the First Australians managed bushfires and, since European settlement, we have had to face bushfires as something that occurs from time to time. Bushfires are increasing due to changes in land use with housing estates extending into bushfire-prone areas, allowing higher fuel levels to build up, a focus on response rather than prevention and damage mitigation, and a lack of focus from fire management agencies in rural areas. I am well aware of the announcement made on 13 April about the rural fire division. I have a few issues with that model, which I would like to unpack later.

In mitigating risk, a high priority must be given to investment and planning, risk management and adequate attention to fuel reduction, which creates favourable conditions for large, intense and uncontrollable fires. In 2003, the Tenterden fire killed two people and burnt 20 000 hectares of land. In 2007, fire in Boorabbin National Park killed three truck drivers. In 2009, fire in Toodyay destroyed 38 dwellings and burnt 2 900 hectares of land. In 2011, fire in Margaret River destroyed the historic Wallcliffe House and burnt 4 000 hectares. In 2011, fires in Roleystone and Kelmscott destroyed 72 homes and Buckingham Bridge, and closed Brookton Highway for three weeks. It burnt 1 500 hectares of land. In 2011–12, fire in Carnarvon burnt 800 000 hectares of pastoral grazing land across 11 pastoral leases. In 2014, fire in Parkerville destroyed 56 houses and burnt 386 hectares. In 2015, fire in Lower Hotham and Northcliffe burnt 151 296 hectares of national park and state forest. In 2015 in Esperance, fire killed four people and burnt 120 000 hectares and 15 head of stock were lost. In 2016, fire in Waroona killed two people, destroyed 181 houses and burnt 69 165 hectares. There has been an increase in very big wildfires in the state over the last 15 years. A lot of that is due to lower prescribed burning quotas, which have not been met by agencies. Prescribed burning reduces fuel loads in areas. Bushfires then burn less intensively, cause less damage and will be easier and cheaper to control. Prescribed burning is the process of planning and applying fire to a predetermined area under specific environmental conditions to achieve a desired outcome. It is an important tool used to reduce the amount of ground vegetation in cooler months, decrease the risk of bushfires that could cause greater damage later in the season, maintain biodiversity and rehabilitate vegetation after disturbance such as timber harvesting.

The 1961 report of the royal commission into bush fires, “Report of the Royal Commission Appointed to Enquire into and Report upon the Bushfires of December, 1960 and January, February and March, 1961 in Western Australia” recommended, and I quote —

... the Forests Department make every endeavour to improve and extend the practice of control burning to ensure that the forests receive the maximum protection practicable consistent with silvicultural requirements;

After the royal commission’s report, the average area burnt was 350 000 hectares a year for 10 years. It dropped to 300 000 hectares a year after 1971.

When I first came to this place at the beginning of the last term, I was strongarmed onto the Standing Committee on Estimates and Financial Operations

Hon Alanna Clohesy: Which you thoroughly enjoyed!

Hon RICK MAZZA: I absolutely enjoyed it, especially working with Hon Alanna Clohesy on that committee.

When we asked the then Department of Parks and Wildlife about its prescribed burning effort, it was alarming to hear that the prescribed burn for the year often covered fewer than 40 000 hectares, which is well below the quota recommended in the royal commission's report. That had been going on for 10 or 12 years, so we are a long way behind with prescribed burning. Allowing increased fuel loads in forests had a lot to do with environmental groups that have an aversion to prescribed burning. All the fires I mentioned earlier were a result of increased fuel loads.

In the 2011 inquiry into the Perth Hills bushfire, Mr Keelty states that prescribed burning carried out in Western Australia is about one-third of what was done 50 years ago. Since the 1980s, prescribed burning has been on the decline, not reaching the 250 000 to 300 000 hectares a year that is needed to provide good protection against bushfires. The decline in prescribed burning is clearly confirmed in the then Department of Parks and Wildlife's 2016–17 annual report, which states that the 247 360 hectares of prescribed burns in 2016–17 was, I quote —

This was the largest area of prescribed burning achieved by the department in the south-west forest regions since 1987–88.

The department has responded to the fact that prescribed burning has been reduced. Alarming, when the department was asked during the budget estimates hearing why it was not meeting its 250 000 hectare target, at the time it said one thing we could do is lower the quota and burn only around assets. After the Northcliffe–Walpole fires, which caused unbelievable devastation, a public meeting of stakeholders was held in Pemberton Mill Hall. Representatives of the department turned up, along with, I think, the minister at the time. There was a lot of anger at the meeting about the level of prescribed burning that had been carried out. Some of the reasons given at the time by the department include a drying climate and a much smaller window for being able to undertake prescribed burning. In the end, it became clear that the department would have to double or triple its efforts during that window to be able to undertake the required prescribed burning. I am pleased that the department has responded and we have seen a dramatic increase in prescribed burning. Last week, there was a lot of smoke around all the way from Harvey to Perth, which indicates that the department was doing what it should be doing.

The royal commission's report from the 1960s advocated more prescribed burning, yet, in recent years, there has been much less. According to the Department of Parks and Wildlife's 2016–17 annual report, the state government has a target of priority 1 prescribed burns at only 55 per cent and an achievement rate of 49 per cent. Prescribed burning is also not meeting the minimum 45 per cent needed to reduce the frequency and size of bushfires in the south west of Western Australia. Only 40 per cent was achieved in 2016–17, but the department is going a long way towards meeting those targets.

For the state to be prepared to deal with bushfires, it must put in place preventative measures. Prescribed burning is a major component that will help. Members will be pleased to know that prescribed burning is a lot cheaper than fire suppression. Prescribed burning costs about \$15.70 hectare, compared with suppression, which costs about \$32 a hectare. If we carry out prescribed burns rather than having to deal with wildfires, the savings per hectare will be about \$16.30.

Western Australia relies very heavily on volunteer fire brigades, and local government volunteer fire brigades form the foundation of the bush fire fighter system on the ground. There are 560 bush fire brigades, with 26 000 volunteers, across the state. Volunteers are everyday people living in rural communities; they are farmers, butchers, bakers, mechanics and schoolteachers who live in the bush and put their time into training and maintaining their brigade station. The strength of these people is that they know their local area, their neighbours, their neighbours' paddocks and the back tracks, and they can turn out and put out bushfires pretty quickly. Unfortunately, the current structure of and systems for managing bushfires in Western Australia have been failing those volunteers and their communities. The report on the November 2015 Esperance fires has good examples of the issues facing volunteer bush fire brigades throughout WA, including the inadequate resourcing of government officers that has resulted in delayed initial response, continued compromised system and process failures, and discontinuity in the management of fires due to various agencies being responsible for different pockets of land, which has led to information gaps between what is happening on the ground and the incident management teams.

Something positive has happened over recent years. During the last term of government, we found out in the estimates hearings that a lot of the appliances were to be fitted out with burn over and other safety measures and the department was working on fitting GPS trackers in all those appliances. When I was briefed on the proposed rural fire division, I asked whether those GPS trackers had been installed. I received the answer that they had been installed in all career and volunteer trucks. That will enable incident controllers to be able to work out where the trucks are, and I think that is a very good safety measure.

Many bush fire volunteers are frustrated with the current system and are leaving brigades. Volunteer numbers have been dropping across all emergency services in the state since 2006. The main reasons given for leaving are management supervision styles and not feeling valued. Having said that, I would like to take time to acknowledge

the release of “Together We Can—Western Australian Emergency Services Volunteer Sustainability Strategy 2016–2024”, which aims to improve volunteer recruitment and retention, including bush fire volunteers. We cannot afford to lose the valuable human resource that volunteers provide in bushfire prevention and suppression. No doubt, those 26 000 men and women in the bush fire brigades alone in this state play a very important role. They put in their time at no cost to the state other than for the equipment that they use. In the vast state we have, I think the bush would be a lot poorer without them.

We have had five independent public reports on bushfire management incidents since 2011, including “A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review”, “Appreciating the Risk: Report of the Special Inquiry into the November 2011 Margaret River Bushfire”, “Report on the Post Incident Analysis of the 2011 Margaret River Bushfire”, “Parkerville Stoneville Mt Helena Bushfire Review” in 2014, and “Bushfires Review 2015: O’Sullivan and Lower Hotham”, plus numerous internal reviews and reports that have not been made public. In 2016, the latest report, Euan Ferguson’s “Reframing Rural Fire Management—Report of the Special Inquiry into the January 2016 Waroona Fire” was tabled in Parliament.

The special inquiry into the January 2016 Waroona fire undertaken by Euan Ferguson ran for 13 weeks, with formal hearings held over 22 days. Over a hundred people appeared before the inquiry, 165 written submissions were received and the team met and interacted with 42 organisations and interest groups. The inquiry found that there were many deficiencies in bushfire management in Western Australia. It found that the current system of managing rural fire is not working. The Ferguson report highlighted that the system of managing rural fire was disjointed, disconnected, dysfunctional and broken. Once a bushfire reaches a particular level, the management of the incident is taken over by the Department of Fire and Emergency Services. At that time, there can be a disconnect between bushfire volunteers, incident managers and the superiors in DFES overseeing the bushfire response. There have been many reports of delays in decision-making, delays in deploying personnel and limited understanding of the local terrain and conditions, and this has been demonstrated in numerous inquiries into bushfires in WA. Ferguson states —

My conclusion, which has been very carefully considered, is that the current system for managing bushfire in Western Australia is failing citizens and the government.

The inquiry made 40 recommendations: 17 recommendations for strategic change and 23 recommendations for agency opportunities for improvement. Recommendation 15 on bush fire brigades is the most important, as it recommends an independent rural fire service. Recommendation 15 states —

The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

- Be established as a separate entity from the Department of Fire and Emergency Services, or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;

I think that has been exploited somewhat with the RFS in that it is not a sub-department; it is actually just a department that runs the administration. The recommendation continues —

- have an independent budget;
- be able to employ staff;
- have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;
- be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;
- have responsibilities and powers relating to bush fire prevention, preparedness and response; and
- operate collaboratively with the Department of Fire and Emergency Services, —

What was then—

the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.

In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.

The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.

The Ferguson report clearly recommended an entity separate from the Department of Fire and Emergency Services, although it would utilise some of the department's back-office support. On services to be responsible for rural fire management the report states —

It is the view of the Special Inquiry that the capability of the current system that leads and administers the delivery of rural fire services—particularly bush fire prevention and suppression—in Western Australia is deficient. This questions the adequacy of the current capability and organizational arrangements for a hotter, drier future. These capability deficiencies cannot be remedied by one policy change, or project, or Special Inquiry recommendation. Rather, the *management* of rural fire capability needs to be reframed. The most effective way of doing this is to create a dedicated service that can drive changes in methodology, governance, resourcing, capability and focus.

The new rural fire management framework, driven by the Rural Fire Service, will deliver the following outcomes to the community:

- consolidate the current rural fire capability: people, training, equipment ...
- identify gaps, set appropriate and tailored targets ... for ... service delivery to the community ...
- enhance the priority given to preparedness, mitigation and community capacity building ...
- engage and empower local communities through regionally based offices, inclusive policy development and adaptable approaches; and
- specifically acknowledge and foster the expertise of emergency services volunteers.

The Association of Volunteer Bush Fire Brigades of WA Inc, which represents the interests of thousands of bush fire volunteers, supports an independent rural fire service. It has voiced its frustrations. The association worked hard throughout the previous government to try to raise the need for the Department of Fire and Emergency Services to be more empathetic and supportive of the unique needs and motives of volunteer bush fire service members, with little result. The report states —

The AVBFB expressed the view that as a consequence of having a centralised single agency in DFES, the community has become completely disconnected from the decision making process.

The issues raised by the association were expressed in the Ferguson inquiry, which recommended an independent rural fire service. Anything other than an independent RFS will not achieve the desired outcome.

Bushfire Front Inc of Western Australia, an organisation advocating better management of fire in Western Australia, especially on forested lands, said that we should reduce the impact and severity of bushfire damage by also supporting a rural fire service. It is quoted in the Ferguson inquiry as stating —

We also believe there is a serious problem with having rural bushfire operations in the hands of what is essentially a metropolitan fire brigade. And we would like to see the creation of a rural fire service, which is operating independently of the Department of Fire and Emergency Services and is concerned basically with bushfire management in rural and semi rural areas.

People in the Agricultural Region whom I represent support an independent rural fire service. I have had discussions with WAFarmers and people from the Pastoralists and Graziers Association who have concerns about the new model. For some time they have talked about having an independent rural fire service. They feel that their interests have not been looked after since the Bush Fires Board of WA was disbanded and replaced with the Fire and Emergency Services Authority and then the Department of Fire and Emergency Services.

DFES and every other organisation before it had the opportunity to put in place a structure, processes and resources to manage bushfires. Through myriad reports, we can see that although some progress has been made, a fundamental structural flaw must still be addressed. The Ferguson report concluded —

It is the view of the Special Inquiry that the needs of the community will best be met by the creation of a Rural Fire Service as an entity separate to DFES, working collaboratively with all relevant Departments and stakeholders. To avoid any unnecessary duplication of services, the department could utilise the administrative and corporate services of an existing Government Department.

Members can imagine my surprise on 13 April 2018 when the Minister for Emergency Services announced that there would be an independent rural fire service. I thought, “Great. It’s about time we had this service in place.” The minister did me the courtesy of ringing me on the night it was announced to give me some detail about it, and invited me along to a briefing. I think a lot of members from this chamber also attended that briefing. During that briefing, a number of questions raised about this rural fire division worried me. To me, all it had done was compartmentalise the DFES administration and put it into a department with the name rural fire division, which does not have any operational or response activities; it is pretty much an administrative division. Instead, the

minister announced the creation of a separate division within the same bureaucratic regime as DFES—precisely the organisation that the Ferguson report referred to as an incapable and inappropriate body to undertake the task. Premier Mark McGowan, in the same media release, stated —

“Under my Government, we have nearly implemented all of the recommendations of the Ferguson Report and the Rural Fire Division marks a significant shift in how we manage bushfire risks.

Clearly, the Premier did not read the Ferguson report. If he had, he would have understood quite clearly the intent of the recommendation and that a lot of things are not actually covered.

We need a new structure that will deliver what is needed on the ground to prevent bushfire, and deal with it quickly when it occurs in a manner that will protect the environment, property, community assets and human life. We need a structure in place to mitigate and properly manage bushfires in this state, working closely with state government departments such as the former Department of Parks and Wildlife. They keep changing the name on me. I think it is now the department of attractions and biodiversity or something.

Hon Dr Steve Thomas: The Department of Biodiversity, Conservation and Attractions.

Hon RICK MAZZA: Yes. We need to work closely with local governments, bush fire brigades, members of the community and of course DFES. We must have a structure in place that educates, trains, supports and enables 26 000 bushfire volunteers to do their job. Part of the announcement is the training excellence —

Hon Dr Steve Thomas: The centre of excellence.

Hon RICK MAZZA: The centre of excellence will train bush fire brigades, which is a very good concept. It is one that the Bushfire Front has been advocating for many years, through Roger Underwood. One disappointment is that although Ferguson said that the headquarters for a rural bush fire service should be in the south west, I think there are plans to have it at Mundaring or somewhere close to the city.

Hon Dr Steve Thomas: Member, it will be very good to raise that during by-elections!

Hon RICK MAZZA: That may be the case.

It was also explained to me that this would not be a flash training centre; that is, most of the training would be put out to the brigades. That makes sense to me. For people who live in Manjimup or wherever the case may be, if training is able to be taken to them, it makes it a lot easier, especially for volunteers. It will be interesting to see how that plays out. It is a bit of a shame that that centre of excellence will not be in the south west.

Hon Tjorn Sibma: Never give up

Hon RICK MAZZA: We never give up.

We must have an independent rural fire service that has its own budget, employs its own staff, is regionally based, is able to encourage landowners and landholders to manage bushfire prevention and, if necessary, compel them to do so, is able to respond to any bushfire emergency, and is answerable to its own commissioner.

A couple of different rural fire service models that were produced by the Economic Regulation Authority went into some detail. They ranged from \$4.2 million for basically the administration that sits over the current brigades, up to \$560 million if it was a fully paid service with 3 600 full-time career members. I do not know why we have not looked at a much more economic structure, which is to have the administration sit over the current bush fire brigades at \$4.2 million. I am yet to find out. We have not really had much in the way of stakeholder interest in this new rural fire division. We are now looking at a cost of some \$128 million to be raised through a 10 per cent increase in the emergency services levy. I will talk about that later.

The Department of Biodiversity, Conservation and Attractions has suggested that a rural fire service model, modelled on the department’s prescribed burning and fire management branch, could cost about \$50 million a year. The minister has stated that he does not support an independent rural fire service as it would cost too much, but we have not had a good look at why that would cost too much. The ERA has suggested a range of models that might be cheaper than what is being proposed.

Did the government do a cost–benefit analysis, looking at the services that the independent rural fire service would provide and how much it would cost in various scenarios? Probably not. If it had, it would have seen that other jurisdictions have rural fire services that cost up to \$500 million a year, but they undertake a range of other services such as house and structural fires, storm damage, search and rescue, and motor vehicle accidents. They are quite different structures and models from what we are trying to achieve here, which is a dedicated rural fire service.

For WA to have an independent rural fire service, it must have equal access to the state emergency services levy. The emergency services levy was introduced in 2003 to ensure that all property owners contributed a fair and equitable amount of funding. The levy is determined by the Minister for Emergency Services each year. It is

collected by local governments on behalf of DFES and included in our council rates. That levy is paid directly to the Department of Fire and Emergency Services. Minimum and maximum charges are set for each levy category based on what a property is used for. When the levy was first introduced, the minimum rate was set at \$30 for residential, farming, and vacant land. The maximum amount was set at \$100 000 for commercial and industrial categories. In 2017, the minimum charge was \$75 and the maximum was \$225 000. The minister has said that the increased levy will be \$28 a household for metropolitan properties and around \$17 a household for country properties. The information I have not been able to get is how much it will cost commercial and industrial properties. I asked the minister and I have not got a response. I asked the Under Treasurer last Friday when we had a budget briefing, and I still have not got an answer back. The amount could run into thousands of dollars for those properties.

The levy is the main source of funding for the Department of Fire and Emergency Services to oversee career and volunteer fire and rescue services, local government bush fire brigades, volunteer state emergency service units, volunteer marine rescue services, and volunteer and fire emergency services. In 2015–16, the Department of Fire and Emergency Services collected \$323 million from the levy. In 2016–17, DFES collected \$340 million from the levy. DFES only releases funding to local governments from for their bush fire brigades by way of a grant application, which by my understanding is around \$50 million-odd a year. In response to the findings of the Ferguson report, the state government commissioned a review of the emergency services levy and it was undertaken by the Economic Regulation Authority. As I mentioned earlier, the following two recommendations were made —

14. If a rural fire service is established, the ESL should be used to fund emergency management activities it provides on behalf of the community if it can do so more effectively than individual property owners.
15. A proportion of any rural fire service's corporate services costs should be funded by general government revenues, rather than the ESL.

That is interesting in that report. Currently, the levy is forwarded from local government directly to DFES. This creates a conflict of interest. The body administering the levy is the main beneficiary of those funds. Key concerns regarding current administration of the levy include increases in levy amounts perceived to be used to supplement the administrative costs of DFES, insufficient funding being directed towards mitigation activities and lack of transparency in the allocation of funding. I know the minister has talked about having a separate group of people who would oversee the spending on the rural fire department. I am not quite sure how that is going to be set up, but it did say there would be some transparency in that. There is also concern that the funding is not based on risk. Mr Keelty's report into the Perth Hills bushfires of October 2011 recommended that the government of the day move the responsibility for the management and distribution of the ESL to the Department of Finance. This recommendation has been completely ignored. Seven years later, the 2017 report of the Economic Regulation Authority reviewing the levy recommended the same thing; that is, an independent organisation should allocate funds to DFES and a rural fire service, if established. Again, this recommendation has been ignored. Why has the Minister for Emergency Services ignored the recommendation that was made in 2011 and again in 2017 in two separate inquiry reports? I do not know. Why does the minister believe that DFES, unlike any other government agency in the state, cannot operate without direct control of the funds? The minister said to me that the commissioner cannot be expected to have legal liability and not have control of the funds, but other departments, including the police, have exactly that. I am sure the police commissioner has certain legal liabilities, but he does not control the funds. He has to put his budgets in to receive them. Funds collected through the levy should be treated in the same way as other sources of state revenue. They should be collected by the Department of Finance and the department can then remit funding to DFES and an RFS as per operational and budgetary requirements.

Debate adjourned, pursuant to standing orders.