

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION

SESSION THREE

TRANSCRIPT OF EVIDENCE TAKEN AT KOJONUP MONDAY, 20 FEBRUARY 2006

Members

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

Co-opted Member

Mr P.D. Omodei

Hearing commenced at 2.35 pm

DENNEY, MR RONALD WILLIAM
Chief Bush Fire Control Officer, examined:

STANLEY, MR GRAHAM PHILLIP
Chief Executive Officer, Shire of Cranbrook, examined:

BURGES, MR NICHOLAS ARTHUR
President, Shire of Cranbrook, examined:

The CHAIRMAN: Welcome. The committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demands. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as a contempt of Parliament. Have you completed the "Details of Witness" form?

Mr Stanley: Yes.

Mr Denney: Yes.

Mr Burges: Yes.

The CHAIRMAN: Did you receive and read an "Information for Witnesses" briefing sheet regarding giving evidence before parliamentary committees?

The Witnesses: Yes.

The CHAIRMAN: We have just received a copy of your submission and have not read it yet. Do you propose any amendment to it, or would you like to talk to it in the first place..

Mr Stanley: Basically, to talk to it.

The CHAIRMAN: Is it your wish that the submission be incorporated as part of your transcript of evidence?

Mr Stanley: Yes.

The CHAIRMAN: Before we ask questions, would you like to make any statements or additions to the submissions.

Mr Stanley: No.

The CHAIRMAN: In that case, could you give an outline of your submission?

Mr Stanley: To start with, I have provided a bit of background to give people an idea of the Shire of Cranbrook and the situation we face. Our main interest in emergency services is bush fire. However, we have other emergency services in our shire that we do not have control of, and that is St John Ambulance. I am the chair of the local emergency management committee, and the officer in charge of the Cranbrook police is the emergency coordinator. I guess that the police are one of those emergency services that are used in cases of emergencies. Other ones include the Red Cross, which provides assistance in case of emergency by way of food and shelter. We do not have an SES or volunteer fire and rescue service; we are covered by Mt Barker for the State Emergency Service. Those organisations are the Mt Barker SES, Mt Barker Fire and Rescue. CALM and FESA in Albany, along with all the organisations within the Cranbrook shire that have responsibilities for emergencies, form part of the Cranbrook Local Emergency Management Committee.

In addressing the terms of reference of this inquiry, our main position is that we think the Bush Fires Act has served our community well for many years. We have serious concerns that there could be one large, cumbersome, single piece of legislation that will become sort of smorgasbord, and there could be a tendency for it not to be specific enough to cover the issues that are relevant to particular emergency situations. We are concerned that if the Bush Fires Act, in particular, were part of a large piece of legislation, people would be less likely to refer to it and use it. It would blur the lines of responsibility because there would be different responsibilities and areas under the one piece of legislation. We have a concern that it could lead to the FESA organisation losing people and expertise from specific areas, and that there could be a tendency in emergency situations in which FESA would not have the resources with sufficiently experienced bushfire people to be able to be in charge of all those incidents. Mr Omodei referred to a major incident on the outskirts of the metropolitan area or seven or eight major incidents in, say, the south west. We could have a situation where possibly a fire and rescue service fire manager would be sent down to Cranbrook to control a serious bushfire without having any knowledge of the area and any knowledge specifically of fighting bushfires. These people have expertise in fighting structural fires but not bushfires, and we would be concerned if that scenario happened. Yes, there is training in managing serious incidents, but there are also specifics related to each type of scenario. This knowledge and experience is not just picked up in five minutes; it is something these people develop over years. The bush fire service has been very strong in developing that knowledge and expertise, and we would like to see that knowledge and expertise retained and enhanced if possible.

We would like to make some other points. The existing legislation in the Bush Fires Act provides the necessary powers and such things to facilitate prevention, recovery and all of those issues involved with firefighting and the whole thing. We think it is done well. What we would like to see with the Bush Fires Act is that it is probably rewritten - that it be put in plain English. It sort of speaks in legalese. If it were rewritten in plain English and better indexed, and some of its clauses put in a more logical sequence so it were easier to read and follow, it would be an improvement to the legislation. Overall it does a good job. It has the powers and the things in it that are necessary.

With regard to the effectiveness of incident command and control systems, we support the adoption of incident control systems. We see some limitations with the AIMS-ICS system that is being advocated for broadacre farming areas, with grass fires, where the firefighting response is coming from every direction. Quite often, there is no single point through which people can access the fire ground, which makes it more difficult to administer, but we think we can overcome that by reporting people at the water points and things like that. However, it will never be 100 per cent perfect in an emergency situation because quite often you just do not know everybody who will be there. Unfortunately, from our experience with the Tenterden bushfire, people do not follow instructions always. An issue experienced was drivers, the traffic, being told that they could not go down Albany Highway, so people tried to take shortcuts that actually took them right into the path of the fire. We can tell people that they need to check in and do all those sorts of things, but it does not always happen - human nature often intervenes. An important thing with command and control is good communication systems. The services need to be able to speak to each other. That is an operational issue, but the legislation needs to ensure that mechanisms are in place for ongoing funding and that there is an equitable distribution of communications equipment.

I guess the point we feel strongest about is that we do not wish to see a super, centralised authority. We think that the best place for the responsibility for bushfire management, and for it to be managed generally, is locally. FESA has a role to play in providing support and backup. It has done a good job in the past with the bush fire service. We would like to see that role continue. The current system provides a good balance and local knowledge is a very important factor in response to bushfires. The fact is that putting one-size-fits-all rules into the emergency situation will not suit everybody statewide, because the state is so varied in different places. The levels of resourcing are different, the capabilities of the volunteers are different, the commitment of people to support that

volunteer system is different, and in different places there are different philosophies. Cranbrook has had a very strong volunteer bushfire organisation; it has been well resourced. We have quite a number of heavy duty units; I think there are about six altogether. There are five heavy-duty units and 156 light-duty units that are farmer owned. We have five what we call fast-fill units -

[2.50 pm]

The CHAIRMAN: Can I interrupt? Are you saying that the Shire of Cranbrook owns five heavy-duty units?

Mr Stanley: Yes.

The CHAIRMAN: Is that in conjunction with FESA?

Mr Stanley: In conjunction with FESA, yes. They have been partly funded.

The CHAIRMAN: And do you have 156 privately owned light units?

Mr Stanley: Yes. These were all put in place prior to the FESA levy coming in, so there would have been 50 per cent funding from either FESA or Lotterywest and 50 per cent funding from the community. In some cases, timber companies were involved in the plantation timber areas. We have 156 farmer-owned light-duty units. We have two fixed radio bases. We have 40 mobile radios. Heavy equipment is available from the community and the shire for firefighting purposes, but is not specific to firefighting. The fast-fill units are mobile stand pipes with a motor. Ron was the person who I think built them. They have a pump on them and hoses and water can be drawn out of a dam. They have a stand pipe that stands up. A utility or truck can pull up underneath and can fill up with water much more easily. It means that the trucks do not have to get down close to the water source and run the risk of getting bogged and things like that. Other brigades in the state have them, but probably not all that many, and certainly not to the level that we have them.

I guess the other thing that we wanted to comment on was the PowerPoint presentation on FESA's recommendations. Part of the recommendations from FESA was that one comprehensive emergency services act should be developed. As I previously stated, we oppose this. Recommendation 3 included a clause that stated that building developers are to be compelled to submit building plans and specifications to the authority for assessment as part of the building approvals process. The Shire of Cranbrook believes that in this regard, FESA's powers should not extend beyond the situation that already exists. It does have some powers in that area. We believe that any increase in power would only slow down the building approvals process and would place unwarranted additional costs on the community. We are not exactly sure what FESA is proposing. No detail was provided. It just recommended that these powers be provided. We do not see that those powers need to be any greater than they are currently. We are happy for those powers to be included in the new legislation, so long as there is no strengthening of those powers or the placing of an additional burden on the community.

Mr S.R. HILL: If you were making an amendment to your town planning scheme, there would be a 28-day turnaround to respond to the shire. If a 28-day turnaround for FESA to respond to the shire were put in legislation, would that accommodate some of those concerns?

Mr Stanley: That would certainly help. I think there should be some sort of response time.

Mr S.R. HILL: So that it is not open-ended, such as having six months before it needs to come back to you.

Mr Stanley: Yes.

Mr S.R. HILL: It could be something like 28 days, which is similar to the turnaround for the WA Planning Commission when dealing with town planning schemes.

Mr Stanley: Yes. One of the concerns is that if that is increased to a greater level than it is now, the level of resourcing that would be required to deal with that would have to come either

specifically from state finances or out of the FESA levy. Both ways would lead to an increase in taxes on the community. We have concerns about that. The same goes for the power to enter and inspect buildings under FESA recommendation 4. So long as these powers are not being beefed up to the extent that it could be an intrusion on people's privacy beyond what already exists, it would be fine, but if they are, we would certainly have some concerns and would certainly want to comment on that, once we knew the detail. FESA recommendation 5 is about the power to approve the establishment of bush fire brigades, and that the power to cancel such approval should be transferred from local government to FESA. FESA has since revisited this recommendation and has now sought only the power to register new brigades. The recommendation states that if a local government disagreed with a decision made by FESA in relation to the approval of the establishment of a bush fire brigade or the cancelling of such approval, provision is to be made to enable the local government to appeal to the State Administrative Tribunal in an attempt to have the decision reversed. We contend that local governments are best placed to determine the need for the establishment, disbanding or amalgamation of volunteer bush fire brigades, and that FESA should be the one to make an appeal to the State Administrative Tribunal if it objected to a local authority establishing a brigade. It should be the one to have to justify why a brigade should not exist. If the community said that it wanted a brigade, there were volunteers and the local government would administer it, and the local government agreed to the brigade being established, it should really be up to FESA to demonstrate that there was no need for that volunteer brigade to exist and therefore not be formed.

Mr S.R. HILL: Are you suggesting an appeal mechanism through the State Administrative Tribunal?

Mr Stanley: FESA was suggesting an appeal mechanism to local government. If FESA said no, the local government would have to go to the State Administrative Tribunal to try to prove a case. We are the ones who would be responding to the community and would have assessed whether it was warranted and whether we were willing to support it. If the community asked for it and we were happy to support it, FESA should be the one to prove that there was a valid reason to not have a volunteer brigade. That situation probably will not arise all that often, but, you know -

Mr Burges: The question we would like to ask is why FESA would like to put this in place. Have there been cases where fire brigades have been formed without being necessary? I would like you to ask FESA the reason for this.

The CHAIRMAN: The comments that FESA made in its submission are exactly the same as the comments you made in your submission; they are its preference for what it would like. It is not necessarily what the committee will recommend or even accept.

Mr Burges: I was not asking the question of you. It is perhaps a question that FESA needs to answer.

The CHAIRMAN: If I recall correctly, we asked that question of FESA. We were given an answer along the lines that if it is administering the ESL, it should be able to say that it could support, for example, 100 units across the state. If local government put in place another 40 units, it would not be able to support them, so what would be the point? That was generally the answer, if I recall it correctly. It is a resourcing issue. That was FESA's rationale behind it.

[3.00 pm]

I am sure that as we go through this process, we will find many councils that have different views. We have already heard a view different from your view and, indeed, different from Kojonup's view. We plan to travel all around the state in the next couple of months, and we will be endeavouring to talk to as many people as we can. Hopefully we will have a wide scope to discuss this matter among ourselves. We will then be making findings and recommendations to the Parliament that are

not FESA's, and not necessarily yours, but that reflect what we believe, after speaking with all the parties involved, is the best course of action.

Mr Stanley: There are a few more issues I want to raise. FESA recommendation 6 is that if a local government owns a building that houses an SES unit, it should be compelled to continue to provide that building to the SES unit free of charge until the building is replaced by the ESL grant scheme or another negotiated position is reached with FESA. FESA also makes the point that applications from SES units should go direct to FESA rather than through the local authority. This is not a situation that affects Cranbrook, but we are opposed to it, because we do not believe it is fair. We believe all negotiations about the use of local government property should be completed prior to the implementation of any changes. To compel local governments to provide ongoing use of local government-owned buildings free of charge may conflict with the provisions of the Local Government Act 1995. Also, if agreement is not reached prior to the implementation of any changes, what would compel FESA to ever reach an agreement? It does not seem equitable to us. Perhaps that is just FESA's little wish list.

FESA recommendation 7 is that in recognition of the fact that it is not always a practical or economically viable option to install firebreaks on some land, FESA proposes that the legislation provide for FESA to exempt landowners or land managers from the obligation to install a firebreak on land in prescribed areas or categories of land etc; that FESA be empowered to request the development of a fire management plan; and that FESA have the power to accept or reject these fire management plans etc. We strongly oppose this move by FESA to take away from a local government any responsibility for the management of firebreaks and the granting of exemptions, because it will make the whole system unworkable. It will also undermine the local government's authority. FESA could do its desktop assessment of a proposal to do away with firebreaks without having any knowledge of the local conditions and the applications. That would add another layer of bureaucracy to the system. Local governments set firebreak requirements in their firebreak orders, and they give people the opportunity to apply for exemptions. The local authorities have the people on the ground, and they know the local conditions. They also know whether people can be trusted to do what they need to do, and they can take the necessary measures if people are not putting in firebreaks when they are supposed to, or whatever. Some people are given an exemption but do not follow up on their responsibilities; others always do the right thing. It needs to be managed from a local level, not from a centralised position. We do not believe that is necessary.

FESA recommendation 8 basically regurgitates the current scenario as to who is responsible for structural fires, who is responsible for fires on CALM land and who is responsible for bushfires. That is followed by a rider However, one designated agency is to be responsible and accountable for all fire incidents in Western Australia and is to be empowered to take control of any fire incident under the following circumstances -

- in the opinion of the designated agency, the other agencies do not have the ability, experience and/or resources required to control the fire; or
- in the opinion of the designated agency the fire authorities have escalated to a level whereby State-level control is required.

Again, we oppose this being included in any changes to the legislation. The current situation is that the local authority can invite FESA to come in and take control. I guess the same would apply in the CALM situation; I am not quite sure.

With regard to the setting up of incident control teams, certainly in the case of Cranbrook CALM would be involved if there was any risk to CALM land, and FESA would certainly be part of that incident control team. However, if FESA is already on the team to give advice, it does not need to then come in and take control of the fire without consultation and without the fire controller saying we really need FESA to take over because we cannot handle it, or whatever. If we have a

competent person in charge of a fire, we do not see why we should run the risk of having someone come in who is not au fait with the local situation and local knowledge.

FESA recommendation 10 is that the Fire and Emergency Services Authority of Western Australia's status as an authority be repealed, and that the Fire and Emergency Services Authority of Western Australia be established as a state government department. We say this is a case of empire building. We do not see any justifiable reason for the change of status of FESA. The creation of a new government department is unjustified and will only increase the costs to the taxpayer, with no obvious benefit to be gained. There has already been an increase in the FESA levy. It appears that this is set to continue, and it would become exponentially worse if FESA were to become a government department. In relation to bushfire management, a move to a department with FESA assuming greater control runs the risk of creating a community attitude by which people will say leave it to the professionals. We would then end up with full-time paid bushfire fighters, and the cost to the community would become horrendous, and the level of service and protection for the community would fall. The move to create a department is a radical change and one that might result from a crisis in emergency services. However, that does not appear to be the case. Our emergency services have performed extremely well for many years and continue to serve our community adequately. We do not see a need for radical change to the system that is already in place. I am happy to answer any further questions.

Mr M.J. COWPER: Tell us what you really think!

Mr P.D. OMODEI: I think it is a very good response. Can reach of you please explain to us your level of experience and level of service in bushfire control etc, and for how long you have lived in Cranbrook ?

Mr Stanley: I have been involved in local government in the country for 16 years. For the past four and a half years I have been in Cranbrook. Prior to that I was chief executive officer for about five and a half years at Woodanilling. Prior to that I was at Brookton. Prior to that I was at Kent, which is in Nyabing, which is also in the great southern. I have completed a bushfire control officers' course, and obviously as part of my studies I did units on the Bush Fires Act, the Fire Brigades Act and the state emergency services act. I have not done any courses on the 1998 Fire and Emergency Services Authority of Western Australia Act. My role has been mainly an administrative one, and the act that we administer mainly is the Local Government Act.

Mr Denney: I have been involved with bushfires for some 50-odd years. I did my first chief fire control officer course in 1978. I have done several updates since then, one being only three or four months ago. I have done a course in the implementation of ICS. I have done radio procedures. I have been chief bushfire control officer for in excess of 30 years. I was awarded an Australian Fire Service Medal for dedication to bushfire control. I think that is about as far as I need to go.

[3.10 pm]

Mr Burges: I have been a farmer for 40 years and also a volunteer bush fire brigade member for those 40 years. I have been brigade captain for a number of years and am still a volunteer member.

Mr P.D. OMODEI: We would probably have to acknowledge that you know what you are talking about! Mr Stanley, could you give us a brief rundown on the Tenterden fire and how that panned out? Obviously, some members may have read the coroner's report. We would like to hear your point of view on the fire, being the man right on the front line.

Mr Stanley: The man on the front line was probably Ron. Obviously, the day that it occurred was absolutely horrendous. The information showed that the conditions were virtually impossible. The response from the community and the volunteers was pretty remarkable. It was amazing that some firefighters did not lose their lives. It was unfortunate that a couple of residents lost their lives, but that was in no way a reflection on the efforts of either the firefighters or the administration of the fire. Councillor Burges was heavily involved in the recovery committee. I also participated on it.

We appointed a local person to manage that committee, and that committee was nominated for a Kleenheat Gas Community of the Year Award. Overall, the situation was handled very well. The fire was contained very neatly. Certainly Mr Denney put in an excellent effort. We certainly learnt some lessons from that fire. We did have problems with communications and communication equipment. We took on board recommendations from the coroner and put processes in place. With FESA's help, the equipment was upgraded. We put in place our communications backup plans. We did have one, but unfortunately it was probably not in-depth enough to cope with the chain of events that occurred on that day due to failures and things like that. It was certainly an experience that none of us ever want to go through again, but it could have been a lot worse than it was.

Mr P.D. OMODEI: Mr Denney, I have a direct question for you. From your perspective as chief fire control officer, could you explain to the committee the importance of local knowledge and volunteers in the community?

Mr Denney: From my perspective, local knowledge is absolutely paramount for a runaway fire situation, because you know the terrain, what is ahead of you, where the buildings are and the sorts of threats there are to people. That is all very necessary to be able to plan in a situation where a horrific wildfire has got away, or even a small wildfire. You have to know your volunteers, and being local you are able to know who they are, what they are and what they are capable of. This is very important. Likewise, they need to know what to expect from you.

Mr Burges: If I may, I will read out what was said by three witnesses at the coroner's inquest. The first witness I will quote is Mr Barry Jones, FESA's regional director, who stated that volunteer firefighters are the backbone of any efforts to confront rural bushfires. The second witness was Russell John Gould, FESA's fire service manager who is based in Albany. He gave evidence that, having regard to the prevailing conditions, he believed that the standard of fire suppression carried out on the date of the fire was exceptional. He believed that it had minimised the damage caused by the fire. He said that this strategy of seeking to contain the fire was entirely sound, and that to have contained the head fire would have been impossible and attempts to do so probably would have led to more injuries and death. The third witness was Mr John Tonkin, the area fire manager. He said that he believed that the firefighters did a miraculous job in suppressing the eastern part of the fire. He also commented that there was no replacement for local knowledge and, of course, that FESA does not know every square inch of a particular area. That is relevant to our argument.

The CHAIRMAN: I will ask a question that Judy probably asked a local council in another hearing. Do you have a succession plan? You have outlined your experience, which is very extensive, but at some stage one or all of you will not be around to contribute your experience. Is there a succession plan in Cranbrook for replacing the chief fire control officer etc?

Mr Stanley: Definitely. We appoint deputy chief fire control officers. We have two deputy chief fire control officers. Both of them are very experienced. They both had experience of the Tenterden bushfire, of course. There has been a very strong brigade involvement in Cranbrook. There is a vast amount of knowledge there. There certainly is an expectation that one day Ron will move on from the position of chief fire control officer. Somebody who has very good experience in fire control is ready to step into that role when that eventuates.

Mr P.D. OMODEI: In about 20 years' time!

Mr Stanley: Probably in the next few years I would imagine, Ron.

Mr Denney: It will not be 20 years, I can assure you.

Mr Stanley: Fire control officer courses have been conducted and all those sorts of things. We are trying to ensure that our volunteers receive training.

Mr M.J. COWPER: Going back to the issue of local knowledge, I suppose it is safe to say that local knowledge also means knowing the sort of season you have had, the sorts of crops you have had that year, the fuel loadings and the weather conditions that have prevailed in recent times. It is

all very well to know the people, the lay of the land and the topography - that is very important - but you also need to know the conditions that have prevailed. Of course, if you are not local, how do you know what the local conditions are on the ground?

Mr Denney: Once you get back to the brigade areas, the local brigade captains virtually know which paddocks are cropped. They know right down to that detail. Local knowledge is absolutely paramount. I do not know how you could substitute it for something else. Even if you flooded the ground with operators, you would not substitute that local knowledge.

Mrs J. HUGHES: There has been huge debate in most of our hearings about volunteers. Does Cranbrook feel that its volunteers would be compromised should there be a change in legislation, or do you believe that they would be able to understand the changes or come to the party about how it came about, and that you would retain your volunteer base?

Mr Stanley: In discussions with the volunteers on the issue of handing over control to FESA - for it to just come in and take over control of a fire - they were most adamant that they would not like to see that happen. Some people said that when FESA walks in, they will walk out. It is interesting. When I was on holidays up at Horrocks Beach earlier this year, I spoke to some farmers from Northampton, Chapman Valley, Binnu and that sort of area.

[3.20 pm]

The people I have come to know over a number of years were talking about the season and the fire conditions and all those things, and they expressed the same thoughts; they certainly did not want Big Brother coming in. They are quite happy to work with FESA, and if they feel it is necessary to hand over to FESA, they are happy to do that, but they do not want to be told, "This is what is happening and this is what you are going to do." What we are concerned about is alienating our volunteers.

Mr P.D. OMODEI: Everybody acknowledges that once a fire escalates to a certain level there is scope for FESA if it is on CALM land.

Mr Stanley: Yes, in a state wildfire situation where it was happening all around, we would understand that happening, but we would be very concerned to make sure that the person taking control was sufficiently experienced to know what they were doing. We were told, for example, that some of the people who went to the fire up at Gingin to announce they were going to run the show were people who had no knowledge or experience of the area. They were from head office in Perth. That went down very poorly with those people from Gingin. One of the points that were made earlier by Mr Jones about consultation and the eyeball philosophy is very important, but our experience is that that does not always happen. With our experience with the Tenterden fire, we were seriously upset with the way that was handled in the aftermath. There was a joint debriefing session that was held down at the Shire of Plantagenet. FESA were the ones that prepared the big report on that, and information went into that report that was not even raised at that debriefing. Certainly the way it was written up painted, in our opinion, a very bad light on some of our volunteers and some of our practices. We raised our concerns with FESA and there ended up being two or three rewrites. We were happy with the rewrite that finally came out, but we were concerned that in the first place the way it was portrayed was almost like someone was trying to apportion blame for various things that happened, and we were most upset. If that is the attitude that is used, if this legislation was to become once piece of legislation and FESA was to be the agency that ran all the bush fire issues in Western Australia, we would be very concerned, because that sort of attitude is just the thing that will upset the volunteers and get them offside. That is what we fear. I must say about the people from Albany that we have a lot of faith in the experienced bush fire people in the great southern. We have worked very closely with them for many years. They certainly provide good service with training and all those issues. We look forward to working with them in future. We are just a little bit concerned, probably, that some of the upper echelons of FESA might not be quite in touch with what is going on on the ground, and even some of their fire

managers would not be in agreement with all of the direction that was being pushed in that earlier submission.

Mr P.D. OMODEI: What about this issue of binding the Crown? Do you agree with that? In other words, should CALM be forced to put in firebreaks? I think in FESA's submission, if you recall, they talked about exempting certain persons. I understand your objection to interfering with local government, but certainly where there are large tracts of land, whether pastoral lands or CALM lands, if a proper fire management plan was provided to whichever governing authority it was - in this case it was FESA - surely that is a reasonable stance. At the same time, what is your view on this idea to bind the Crown? Do you have views about that?

Mr Stanley: As far as the first point you raised about the requirement to put in firebreaks and exempting pastoral lands and things like that, we do not have an issue, if that is what that point was getting at. Our issue was if they are trying to interfere with where the local government is managing it - where it is farming land and all that sort of stuff - because how can they have any knowledge of the farming practices and what erosion issues are or whatever happens to be the reason that the farmers are seeking an exemption? Certainly, on the pastoral lands and those issues, and CALM lands, they are an issue for probably the Crown. I think that binding the Crown could create lots of problems. I would certainly imagine that unless widespread exemptions were granted to the Crown, it would put up the total cost of administration to the state, but in some cases there are times when you would like the Crown to be bound and there are times when it would probably create problems. Sometimes we would like to be able to bind the federal government to meet their responsibilities, which they do not always want to do.

Mr P.D. OMODEI: In the case of Tenterden, obviously FESA stopped going into a reserve. Did CALM then take over that fire at that stage, and did they put breaks in?

Mr Denney: Yes, they took over when it entered the park, and we have an understanding with CALM that they manage the fire on their land and we manage the fire on ours. Under legislation they can come out further and take over, but they have never exercised that option. In regard to firebreaks and dealings in most cases with CALM when they put in a fire management plan, we have had no problem.

Mr P.D. OMODEI: In the case of Tenterden then, when they took over control of the fire on their land, did they go in and put breaks in to stop that fire?

Mr Denney: Yes, they went in. They totally managed that fire within their land.

Mr P.D. OMODEI: Why should they not put firebreaks in before the fire?

Mr Denney: They have a management plan in that situation, but it passed their firebreaks. They had firebreaks there and they have a management plan with the Stirling Range National Park. They have a management committee of all surrounding local chief fire control officers and that, who do review their overall plan and fit it into a program of priorities. They had firebreaks there that were not substantial enough to hold that fire - no firebreak was.

Mr P.D. OMODEI: Could I ask you a leading question? What do you think about CALM being able to go in with a bulldozer and put firebreaks on their land in native forest, but if farmers touch one stick on the public estate, they get put in the slammer? Do you want to comment on that?

Mr Stanley: I think it would be a very sore point in the rural community certainly.

Mr P.D. OMODEI: I should not have asked!

The CHAIRMAN: We have given Paul some leeway. He has a particular interest in this area. Thank you for coming in. I will read you the closing comments, just to make you aware of what happens from here on. Thanks for your contribution to the committee's inquiry. A transcript of this hearing will be forwarded to you for correction of typographical errors or errors of transcription or fact. New material cannot be introduced, in the sense that evidence cannot be altered. Should you

wish to provide additional information or elaborate on particular points, you should submit a supplementary submission for the committee's consideration. If the transcript is not returned within 10 days of receipt, it will be deemed to be correct. You have 10 days in which to read the transcript and make any corrections. Thank you again for coming and thank you for assisting us in our inquiries.

Hearing concluded at 3.29 pm
