



SUBMISSION

Review of the Emergency Services Acts

15 May 2013

Introduction

The Forest Industries Federation of WA (FIFWA) is the industry association for the timber industry in Western Australia. FIFWA's membership encompasses both the native and plantation forestry sectors, harvesting contractors and processors. This particular submission has been prepared with the input of all the major large-scale commercial plantation growers and managers for both the hardwood and softwood sectors.

It is estimated that there is approximately 413,000 ha of plantations in Western Australia, a significant landholding of commercial crops of great economic and social value. Fire is a major threat to any established plantation; however preparedness and fast, well-coordinated fire fighting can limit or even prevent catastrophic losses. As such FIFWA is supportive of an initiative to amalgamate the outdated Fire Brigades Act 1942, Bush Fires Act 1954 and the Fire and Emergency Services Act 1998, into a single Emergency Services Act designed to simplify the legislation.

We would like to take this opportunity as a representative of major land tenure stakeholders to provide some initial comments for consideration and inclusion in the review process.

Recognising silviculture as an independent land use category

The plantation industry has a long well established history in the South West and the Great Southern. The increase in privately owned plantations for export woodchip has been a catalyst for significant infrastructure projects in both regions. Given the large estate base of plantations in Western Australia and the considerable environmental, economic and social benefits the industry generates, FIFWA is strongly of the view silviculture should be considered a land use in its own right rather than an extension of agriculture. The differential will ensure planners for a multiple of purposes recognise and understand plantation forestry is a different land use category and take into consideration the unique attributes of these estates.

FIFWA proposes the new Act recognises plantations as a forest silvicultural land use, independent of agriculture.

Industry Brigades

Private investment in the plantation sector over the past 15-20 years has seen a dramatic increase in plantation holdings in Western Australia. In 2006 the industry through FIFWA formed a plantation manager's fire 'cooperative' to essentially coordinate and share the growing responsibility of protecting our industry's assets from fire. The FIFWA Plantations Fire Protection Group has strengthened ties over the years, sharing knowledge and intelligence on fire fighting in plantations. The member companies of the group have all invested heavily in fire fighting training, resources and equipment and have demonstrated experience and knowledge not only in front-line fire fighting but in assuming lead fire control management roles.

The FIFWA Plantation Fire Protection Group has significant assets and expertise to offer the lead combat agencies charged with fire protection and suppression responsibilities, however the group is not an official industry brigade and most of the staff are not in the brigade system. So while industry staff regularly attend fires outside of their own plantation estates and may even need to assume principal roles (i.e. Divisional Commander, Sector Commander and Liaison Officer roles), they do so at great risk, required to act in “good-faith”, as they are not afforded the same legal provisions (such as protection against litigation), as Volunteers, Brigades, Liaison Officers or Authorised Officers. The alternative is the industry personnel take direction from a local FCO who may not have an understanding of the dynamics of fires in plantations, or from a FCO who simply does not appreciate the asset value of the plantation under threat. One example of such a situation was the Bluff Creek fire in October 2010 where 800ha of plantation aged between 8-12 years was lost to fire damage. \$15 million worth of standing timber was lost in this fire, a large percentage of which was through back burning in the plantation by the local brigade. The brigade volunteers did not have an appreciation of the value of the plantation nor any experience or training in plantation fire management, the back burn was conducted in the wrong weather conditions and without industry consultation. Not only was the financial loss staggering but the loss of flow-on benefits to local harvesting contractors, the ports and community were considerable.

FIFWA seeks flexibility under the new legislation to enable the industry to form its own brigade in the future as is allowed for in other Australian states (such as Victoria and South Australia). The industry also seeks enough flexibility in the new legislation for adequately trained personnel to be recognised in the roles they currently perform without ambiguity surrounding their legal liabilities.

Training Standards

There is significant variation in the level of training and proficiency between different brigades and volunteer groups which is of great concern to FIFWA. This variation may be due to the willingness of brigade members to attend training, the accessibility of training modules to volunteers outside their normal working hours and the open availability of DFES training to all volunteers regardless of affiliation.

To overcome the variation in training and proficiency of volunteer fire fighters FIFWA looks to the new legislation to provide some standardised minimum training requirements, incorporating regular reviews and assessment. Additionally FIFWA feels strongly that DFES training should encompass a relevant plantation fire protection module in all areas where plantations exist.

Volunteer Engagement and Fire Management

The legislative review provides opportunity to improve local collaboration efforts in fire management. FIFWA would like to see the Act introduce requirements for the relevant authority (DFES) to generate standard effective fire management protocols which include the creation of a management structure for all fires.

It is a concern to industry that often the CBFCO or FCO is engaged in active fire fighting, essentially meaning that the operation is not being managed. It is considered essential that the CBFCO or FCO are not actively involved in fire fighting, and if the CBFCO or FCO is based at a remote control point that a local control point must be established as this is considered essential for effective management and direction for all crew attending the operation.

Accessibility to the fireline due to road closures has also proven to be a major obstacle for volunteer brigades. There have been several instances where industry fire suppression vehicles have been turned away at the road closure points, including vehicles called out and organised by the local shire. In the Green Triangle this situation has been largely overcome by providing all authorised vehicles with a windscreen sticker which gives them automatic access authority.

FIFWA seeks a requirement under the Act for the development of 'local response plans' or 'standard fire management protocols' which could address some of these on ground operational concerns.

Fire Protection Standards

Firebreaks are determined by Local Government Authorities (LGA's). The FESA Guidelines for Fire Protection in Plantations were intended to give shires some guidance in this regard and to promote a standardised approach to fire protection requirements in and around plantations across the many LGA's. Unfortunately FIFWA has observed a trend where LGA's are imposing additional and often unduly onerous fire protection requirements on plantations, yet allowing for dramatically reduced fire protection requirements for other agricultural crops. Often these decisions are made without industry consultation nor without any demonstrated need or explanation for the change. This situation is worsened when LGA's impose these additional requirements retrospectively. In some instances FIFWA has sought individual exemptions to fire protection requirements where these have been introduced retrospectively threatening the commercial viability of the existing plantation.

FIFWA supports the promotion of a guidance document which recommends a standardised approach to fire protection requirements (including firebreaks). However FIFWA strongly advocates that any deviation from the Guidelines should be done so with full and transparent consultation with industry and DFES and should never be applied retrospectively. The industry looks to the legislative review to address this on-going issue.

Firebreak Compliance

Again firebreak compliance is currently managed by LGA's. Enforcing firebreak compliance has historically been ad-hoc and has been a point of failure in many areas. The current infringement system has also proven to be inadequate with some landowners opting to pay the fine rather than maintain the firebreak.

FIFWA supports a firmer approach to enforcing firebreak compliance, however believes strongly that the government should not be exempt from these requirements and a system to regularly review fuel loads and maintain firebreaks on crown land adjacent to private property should also be upheld.

Industry Consultation

FIFWA is appreciative of the opportunity to provide the above mentioned initial comments on the review of emergency services Acts; however as a major stakeholder representing significant land tenure managers we would like to request a greater level of direct consultation and involvement throughout the balance of the review process.

As previously mentioned the industry is keenly seeking recognition of silviculture as an independent and separate land use category to agriculture. To this end we believe the industry should hold separate representation on formal consultative committees such as the WESTPLAN Committee.

Our industry has a particular interest in the process to develop an options paper (including the establishment of land tenure panels), we also have a particular interest in all discussions surrounding any proposed changes in the authority charged with the responsibility to control fires (local government), proposed changes to the level of responsibility on individual landowners, or changes to the current fire ban systems including Total Fire Bans, or Vehicle Movement Bans. The industry maintains a keen interest in all discussions surrounding firebreaks, firebreak compliance and fuel loading.

For future consultation or for any queries relating to this submission please contact myself on 08 9472 3055.

Sincerely,

Melissa Haslam
Executive Director.