



**SUBMISSION**  
**Concept Paper: Review of the Emergency Services Acts**

**25th July 2014**

## **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 submission has been prepared by FIFWA on behalf of our representative Members that sat on the technical committee for the review of the Emergency Services Acts.

Fire in Western Australia presents a major threat to both native harvesting operations and commercial plantations. As such FIFWA is supportive of an initiative to amalgamate the outdated Fire Brigades Act 1942, Bush Fires Act 1954 and the Fire and Emergency Services Act 1998, into a single Emergency Services Act designed to simplify the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 secondary comments of preferences for consideration in the review process.

## **Recognising silviculture as an independent land use category**

FIFWA has proposed the new Act recognise plantations as a forest silvicultural land use that is independent of agriculture. FIFWA would like the Act to reflect this change in land use category as plantations have 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.

### **1.3.2 Collect ESL from all motor vehicle owners**

FIFWA does not support the introduction of a motor vehicle levy being placed on vehicle owners as an introduction of a new revenue stream. Motor vehicle emergency services are funded through alternative methods and this would be a 'double up' of levies.

**Recommendation:** Do not introduce a motor vehicle emergency services levy in any capacity.

## **2.1 Fire districts**

FIFWA supports the abolishment of Fire Districts as they prevent fire brigades from responding to an incident nearby if it is not deemed a part of their Fire District. FIFWA

recognises that once Fire Districts are abolished there will be a need for Response Agreements to which FIFWA hopes Industry Response Units can play a role.

**Recommendation:** The abolishment of Fire Districts is supported.

## **2.6 Approved industry units**

The Industry Response Unit (IRU) exists under the “preferred” legislation amendment. This will support the forest industry in its aim to become recognised as an IRU in its own right which will facilitate a level of control of fire within industry areas of interest.

**Recommendation:** The introduction of approved industry units is supported.

## **3.9 Hazard management plans – private landholdings**

FIFWA supports the development and implementation of a hazard management plan on private land in consultation with the landowner/manager. This will allow a greater overall view of the hazards in an area and allow sufficient hazard management plans to be implemented. FIFWA recognises that developing hazard management plans is an important part of ensuring risk mitigation is a shared responsibility.

**Recommendation:** The option “inclusion of Hazard Management Plans on private landholdings” is supported provided it is in consultation with private landholders.

## **3.11 Prohibited and restricted burning times**

The preferred option for a replacement single fire danger period (removing restricted and prohibited periods) to align with other Australian states is supported. However, it is very apparent that the limitation and confusion with the existing system is due primarily to the way in which the information is managed at a DFES level and more importantly at the Local Government Authority (LGA) level. If the intent is to move to a single fire danger period, any guidelines, commencement and cessation dates, terms and conditions must be held at a centralised electronic database covering all LGA’s or alternatively a regularly updated standardised web page for all LGA’s. Either way, information accessibility is crucial with either the preferred or existing options if there is to be improvement in this area.

**Recommendation:** The preferred option to replace restricted and prohibited burning times with a single fire danger period is supported.

**Recommendation:** Establish an effective system for communicating fire periods/bans.

## **3.13 Total fire bans – exemptions**

Under current total fire bans forest harvesting is an exempt activity under the regulations. Given this exemption FIFWA supports the new legislation to allow for automatic permission

to conduct an activity during Total Fire Ban if conditions in the regulations are met (no notification). The preferred option in the concept paper contains a provision stating 'the person must notify DFES and the applicable local government of its intent to undertake the exempted activity'. FIFWA does not feel this is necessary if the activity is already recognised as exempt in the regulations therefore would be an unnecessary daily process for industry.

**Recommendation:** Option 3.13.2 "The new emergency services Act will allow for automatic permission to conduct an activity during Total Fire Ban if conditions in the regulations are met (no notification)" is supported.

### **3.16 Permits to burn**

As the current legislation requires permits to burn, FIFWA supports the preferred option to remove the need for permits in cases where the requirements are clearly identified in the regulations. Requiring permits for high risk burns will allow correct risk planning by LGA and correct monitoring of burns.

**Recommendation:** The preferred option of "Permits will be required for burns that pose a higher risk, with conditions for most burns set out in the regulations" is supported.

### **3.21 Hazard mitigation strategies: Asset protection zones**

The introduction of Asset Protection Zones is of particular concern for FIFWA. While the empowerment of LGA's to require landowners to conduct preventative work as a bushfire hazard mitigation strategy is supported, it raises the question what will be considered an asset by the new Act? For example, the Bluff Creek fire in October 2010 where 800ha of plantation aged between 8-12 years was lost to fire damage in an attempt to save sheds on a private property. \$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 plantations 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.

**Recommendation:** If asset protection zones are to be included there must be a clear process to define and declare 'assets' before support can be provided to any preferred option.

### **3.22 Hazard prone areas declaration**

While FIFWA is generally supportive of a uniformed approach to identifying hazard prone areas, we understand the Office of Bushfire Risk Management (OBRM) is currently creating the state map using mostly aerial photographs to make a determination as to whether or not an area is bushfire-prone. OBRM are using an adapted definition from the Australian

Standard AS3959 to define bushfire-prone areas. According to the Bushfire-Prone 'Area Mapping Standard' the definition of a bushfire prone area is; "An area that is subject to, or likely to be subject to, bushfire attack for the purposes of this Standard, this area includes both the bushfire-prone vegetation and its surrounding bushfire-prone buffer".

Our main concern is that the Australian standard is designed to be applied on a case by case basis not via aerial photographs. Whilst local government have an opportunity to amend the maps there is the potential for areas that are not bushfire-prone to be declared as such.

It is a concern that the Bushfire Risk Management Guidelines state that 'there is no formal review process for a proponent to seek a review of their property's designation as being within a bushfire prone area' pp5. This will force land owners to employ a bushfire consultant to undertake a Bushfire Hazard Level assessment and/or a Bushfire Attack Level (BAL) assessment when it would otherwise have not have been necessary. The classification could potentially have ongoing implications for the landowners insurance and property value.

As the State bushfire prone area map is not as yet complete it is difficult to say how much of the state is going to be declared as 'bushfire- prone' and the impact this approach may have.

We understand the Mapping Standard is scheduled for a review in May 2015, although it is not clear if there will be a public comment period.

**Recommendation:** Empower FES commissioner to declare hazard prone areas, given LGA's have opportunity to amend the map according to local conditions.

**Recommendation:** The Guidelines should contain an option for the landowners to challenge the designation of their property as being within a bushfire prone area.

#### **4.5 Setting minimum training standards for volunteers**

Minimum training standards and training standards in general are often very confusing as different departments (DFES and DPaW) have very distinctive training level requirements which are not standardised.

From an industry perspective, trying to gain and manage varying training requirements to facilitate compliance is difficult. If the preferred option that the FES commissioner has the power to set training standards is selected, FIFWA believes the training should be standard across all departments, divisions and agencies to improve efficiencies and reduce confusion and risk exposure.

**Recommendation:** The preferred option for "legislation sets out that the FES Commissioner has the power to set training standards and those standards are set out in policy" is supported.

**Recommendation:** Training standards across Department of Parks and Wildlife and Department of Fire and Emergency Services need to be standardised to reduce confusion.

### **5.1 Response, command and control arrangements**

FIFWA supports the introduction of response agreements as discussed under 5.1.2 preferred option B as this will allow for greater flexibility in response to hazards. It will allow the area, parties and prescribed hazard to all be taken into effect. Option B has been supported due to the necessity for established plans to remain in place until response agreements are finalised.

**Recommendation:** Preferred option 5.1.2 is supported “until a response agreement is established current arrangements will continue”.

### **7.9 The level of financial penalty**

FIFWA agrees with LGA in stating that quite often land owners will chose to pay the fine rather than complete the hazard mitigation activities. FIFWA supports an increase to the financial penalties.

**Recommendation:** FIFWA supports the increased financial penalties.

### **Conclusion**

FIFWA appreciates the opportunity to provide the comments above on the Concept Paper: Review of the Emergency Services Act.

Our industry has a keen interest in the development and implementation of the new emergency services legislation; 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 any queries relating to this submission please contact myself on 08 9472 3055.

Sincerely,

Tom Parkinson  
Project Officer