



UNITED FIREFIGHTERS UNION OF AUSTRALIA WEST AUSTRALIAN BRANCH

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Ms Nicola Cusworth
Economic Regulation Authority

per email: publicsubmissions@erawa.com.au

Submission in response to the ERA Draft Report and Recommendations about the Emergency Services Levy

Preliminary Comments:

The United Firefighters Union (Union) welcomes the opportunity to provide feedback to the ERA about the Draft Report “Review of the Emergency Services Levy” hereinafter referred to as the Draft Report.

The Union is disappointed that the Draft Report has focused on addressing the perception that there is a lack of “community confidence in the levy” in the absence of evidence that the management and distribution of the Emergency Services Levy (ESL) is flawed or has been mismanaged by the Department of Fire and Emergency Services (DFES).

The Union agrees with the conclusion drawn by the ERA that the ESL’s main purpose is to ensure that fire and emergency services workers are ready to respond to fires and emergencies across the State.

However, the Union strongly disagrees that the State Government needs to establish another agency to oversee the management and distribution of the levy by DFES. This proposed model of oversight by a new independent and enhanced Office of Emergency Management (OEM) would see unnecessary waste of resources which could be better spent in the communities that require additional personnel, equipment and training to ensure that communities throughout the State are better protected and supported by Fire and Emergency workers.

The establishment of a new, independent OEM would also be inconsistent with the State Government’s recent initiatives to reduce the number of Departments and Agencies and to streamline bureaucratic administration across the State Government.

The Union is also concerned that some emphasis was placed by the ERA on the number of submissions received by the ERA about this review of the ESL.

The ERA should instead consider the content of submissions and refer to the merits of the content of submissions. The Union represents over 1200 Professional Firefighters and Officers who serve communities throughout WA and who also train and work alongside many volunteers. Our members work under the authority of the Fire Brigades Act (1942) and Regulations (1943) and they cannot make public comment without the authorisation of the Commissioner. Many of our members, who within our industry are the subject matter experts, would have liked to have made submissions to the Review and other Inquiries but they face constraints. Many of the members of the disparate Volunteer organisations (apart from the members of the Volunteer Fire and Rescue Service who are similarly constrained by the Fire Brigades Act and Regulations) face no such constraint.

Specific Comments:

The Union believes that if there is a need to increase the oversight of DFES's, spending management and distribution of the ESL then the Government could set up an enhanced regime of reporting through the Departments or offices of the Treasury or Auditor General in WA. DFES could be compelled to provide further reports to the Parliament without the need to establish a new OEM.

The Union also believes that if there is a need for an appeals mechanism for volunteer agencies or Local Governments that may be unhappy with a decision about their applications for funds, then such a mechanism could be set up without creating a new OEM. An appeals panel could be established including representatives from the Department of Treasury or the Office of the Auditor General, the Department of Local Government and DFES.

Any expenditure of ESL funds on prevention and mitigation should deliver operational resources and personnel who can work with land owners, including Government Departments, to ensure that adequate and effective prevention and mitigation work is done by those land owners and further that the land owners are held accountable for any failure to prepare and mitigate their land holdings. This may require some amendment to the legislation that governs the ESL, especially the framework for how it is collected and how it can be spent. A little known fact about the Waroona Yarloop fires is that the State Government School remained relatively unscathed in those fires and it had been mitigated as a result of a Memorandum of Understanding between the Department of Education and DFES. Unfortunately, the Ferguson Review of the Waroona Yarloop fires failed to address those land holders and agencies responsible for the failure to prepare and to mitigate the vast land holdings impacted by those catastrophic fires.

Any use of the ESL to cover the costs of administration within DFES, including the use of external consultants should be subject to some enhanced oversight by either the Department of the Treasury or the offices of the Auditor General.

The Union has some concerns that while the State continues to have approximately 121 Local Government agencies responsible for around 600 Volunteer Bush Fire Brigades there will be some duplication in terms of administration by Local Government agencies and DFES. Any such duplication or potential duplication needs to be reviewed and eliminated. The administration of those Volunteer Bush Fire Brigades should remain with the agencies responsible for them and the ESL should not be available for such expenditure.

The Recommendation that relates to the cost and funding for Community Emergency Service Managers needs to be further considered, there needs to be more detailed analysis of the variation of existing funding arrangements and job descriptions and selection criteria across Local Government.

There are too many such variations and the work that CESMs do needs to have a strong operational focus underpinned by contemporary fire and emergency qualifications and competencies and experience. There are also CESH positions that are fully and or partially funded by DFES and there needs to be some consideration of greater uniformity, training and operational focus for these positions if they are to continue in Local Government agencies outside of DFES. The Union has called for greater inter-operability and believes that these positions should come under DFES but should operate within regions across the State working closely with Local Government and the full range of volunteer groups in the broader fire and emergency industry.

The Chapter of the Draft Report that considered the funding of a potential new Rural Fire Service was disappointing. The two models used to consider potential costs were not realistic.

The cheaper model resembled a re-introduced Bush Fire Brigades Board and delivered no additional resources to regional WA to support both the communities across the State and the various volunteer groups. In fact that model added another level of co-ordination to an existing unwieldy system of Fire management in WA.

The more expensive model was impractical and does not reflect a realistic framework for service delivery. It appears to be based on a premise that new Professional Fire Stations, with 24/7 coverage and staffing should replace all of the Volunteer Fire and Rescue Service Brigades across the State. Apart from the fact that the total replacement of those valued Volunteer Brigades would be unacceptable and unaffordable, the logic behind such a model is flawed and bears no relationship to operationally driven planning based on risk and resources.

A separate Rural Fire Service would duplicate training facilities, communications, administrative and operational resources and the Union would prefer any additional expenditure to provide direct benefits regional WA, further enhancing the work done by volunteers and Professional personnel who operate in the existing DFES network of country regional offices. There needs to be more spent on training, equipping and supporting volunteers and some good precedents have been established in the Kimberley and Lower South West regions.

The Union has called for a much smaller number of additional Professional Fire Stations to be built and given the catastrophic fires and increased population and infrastructure growth – the proposed locations for such new Professional Stations includes: Vasse, Esperance, Stoneville or Mundaring, Karratha, Port Hedland and Broome.

Enhanced DFES country regional offices would require additional operational personnel to be allocated to the regions in the Country to focus on training, volunteer support, prevention, mitigation and preparedness and the value of using the existing network of DFES country regional offices relates to maximising economies of scale and ensuring greater breadth of Professional Fire Officers to populate regional rosters and Incident Management Teams.

Again Esperance requires special consideration given its geographic isolation and additional resourcing should include personnel and caches of equipment to ensure that Fire and Emergency responses are more timely which helps to reduce the escalation of incidents to catastrophic levels.

If the ESL is to be used to fund an expansion of Fire and Emergency Services in rural and regional WA then the rates of ESL paid in rural and regional WA will have to increase to support that expansion. Resources cannot regularly be drained from the Metropolitan area to deal with emergencies and incidents. Often when there are catastrophic fire and emergency conditions, these conditions impact on more than one Fire District or region.

Already within the Metropolitan area existing Fire Districts remain unprotected when crews and equipment are sent out of district to support training and complex incidents. This places enormous pressure on Professional Firefighters and Officers to “gamble” with scarce resources. The citizens paying the ESL for their fire and emergency defence, and the relevant providers of insurance, deserve better service and protection.

Finally, the Union is concerned that there is very little legislative support for a system of penalties for those landholders and agencies responsible for mitigation and prevention who fail to mitigate or adequately plan for fire and other emergencies. When Professional and Volunteer Firefighters and emergency workers respond out of their districts or regions, there should be accessible information, maps and plans advising of alternative water supplies, key infrastructure and risk – we cannot afford to lose more life or property because of a failure to mitigate, to plan and to support operations in response to fires and emergencies like the Waroona Yarloop fires. Local Government agencies, Government Departments responsible for land holdings and private land holders should be held accountable if they do not adequately prepare and plan for disaster. The ESL can support DFES to work with those Local Government agencies, Departments and land holders but more broadly the Government needs to legislate penalties for those who fail to address the risks.

Please do not hesitate to contact me if you have any further comments or questions.

Lea Anderson
Branch Secretary