

BUSH FIRES AMENDMENT BILL 2016

Second Reading

Resumed from 6 April.

MS M.M. QUIRK (Girrawheen) [4.28 pm]: This bill comprises a mere six clauses, so I will not take my full 60 minutes. Before I start, I welcome the Minister for Emergency Services back to the chamber. He has been suffering from—I do not know the exact medical or clinical term for it—whooping cough. The minister is an example of the fact that many adults do not know that even if they have had a whooping cough vaccination, they need to have boosters. Therefore, in order that we do not endanger the young children in our community, this is a message that I like to get out whenever I can, even if it is only tangentially-related to the legislation before the house.

The intention of this bill is to implement recommendation 38 of the Keelty Perth hills report, “A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 review”. Recommendation 38 provides as follows —

Local governments institute a comprehensive program to assess fuel loads and bushfire preparedness on private properties. The program should give reference to the creation and maintenance of a Building Protection Zone, in line with FESA guidelines.

This program should be implemented and managed under the *Bush Fires Act 1954* in a manner similar to the fire break inspection program.

The intention of the bill is to permit property owners, local governments or government agencies to engage in bushfire risk mitigation treatments in accordance with guidelines issued by the Fire and Emergency Services Commissioner and gazetted. The bill will exempt those engaging in these risk-reduction practices from sanctions under other laws, but I make the point that those other laws are not listed in the bill. Those who have heard me talk in this chamber about issues of legislative drafting will know that I have said that people should be able to pick up a piece of legislation and determine from that legislation what their rights, responsibilities and obligations are. I do not find that the case with this bill. Much has been unwritten, the guidelines are not there yet, and the legislation that this bill is intended to impact upon is not listed. I find that somewhat unsatisfactory, so the debate on this bill will be somewhat longer than it needs to be, mainly because we will need to tease out for the purposes of *Hansard*, and for the purposes of statutory interpretation down the track, what was actually intended by this bill. If the legislative drafting had been somewhat more comprehensive and it was accessible, that probably could have been obviated.

The bill makes it clear that the guidelines that will be issued by the Fire and Emergency Services Commissioner and approved by the minister will not be compulsory and what is set out in the guidelines will certainly not be mandated. Of course, the elephant in the corner of the room in all of this is that the major problem still is that the Crown in many cases has neglected its obligations on mitigation. Later I will refer to the commissioner’s guidelines, as the reference was made in the second reading speech. We have a complementary scheme now that this will be in. It will be, if you like, a direction to property owners that they can take certain mitigation measures, but it will also complement the existing legislation through what is called the firebreak enforcement scheme conducted by local government. In those cases, that can be enforced and local government can order people to undertake mitigation on private property. It has come up in a number of reports and local governments have expressed to me on occasion that, given the nature of our fuel load problem, they do not have the resources they need to adequately enforce the clearing of firebreaks where they need to be done. I just observe that in passing.

I was also advised at a briefing that was kindly provided by the minister that local governments had not been consulted on this bill, and that seems unfortunate given that it purports to complement the existing scheme and also because it may well have some implications for local government. What I think this bill is really about is not necessarily complying with the recommendation of Keelty; I think it is more about countering the suggestion made on many occasions by people who refuse to engage in mitigation that there is too much red tape and that they are hampered by legislation from undertaking mitigation practices on their property. Of course, we all remember the example of Paul Omodei, a previous Leader of the Opposition, who took it upon himself to do some clearing. I am not sure whether he was prosecuted or threatened with prosecution for his efforts. I think the current member for Murray–Wellington also had to face the wrath of the Department of Environment Regulation.

Mr P.B. Watson: Hon Monty House did, too.

Ms M.M. QUIRK: There is another one; there is a list of them. As I have said, this is about saying to these people that they can do the mitigation that they, frankly, are morally obliged to do and they cannot use environmental legislation as an excuse for not so acting. In fact, a number of so-called red tape issues came up and were discussed publicly following the Esperance fires. I refer to an article by Andrew Burrell in *The Australian* of 21 November 2015 that states —

Local farmer and volunteer firefighter Dave Vandenberghe, whose friend Kym “Freddy” Curnow died in the fire, said “red tape” and environmental laws had prevented him and others from doing anything to stop or contain the blaze before it grew out of control.

...

“Esperance is surrounded by millions of hectares of mallee scrub; it’s crown land that hadn’t been burnt out for 20-odd years.

“You’re not allowed to go there in case you run over an ant’s nest. The Department of Environment is worried about parrots’ nests; well I can tell you there are no parrots left there anymore.

“When the fire hit we were left to the mercy of Mother Nature without a single government department here to help us.”

Certainly, that is the sentiment of many people who have an obligation to clear their own land but also make some comments about crown land. To the extent that this bill will obviate those objections to clearing their own land, I certainly think that is a step in the right direction.

I have been advised that the guidelines of the commissioner will be a disallowable instrument. Again, that is not stated specifically in the legislation. One has to go to the Interpretation Act to find that that is the case. For the purposes of laypeople, that means that the guidelines of the commissioner can be inspected by the Joint Standing Committee on Delegated Legislation, which can move that the regulations be disallowed if they do not meet certain criteria. We are told that the standards that will be in the commissioner’s guidelines are intended to override all written laws, including local laws and by-laws. In particular, I think it is contemplated that the relevant legislation will be the Environmental Protection Act 1986, the Country Areas Water Supply Act 1947, the Soil and Land Conservation Act 1945 and the Conservation and Land Management Act 1984. Again, that is the advice I have been given. It is not listed anywhere in the bill. From recollection, I do not even think it is in the second reading speech. Under clause 4, there is the ability to prescribe written laws that will not be overridden by the standards published by the Fire and Emergency Services Commissioner. I understand that agencies are still consulting on that issue, and there may be some provisions that it is not appropriate to override. Again, as I understand it, that consultation is still going on, so there is a level of uncertainty there as well. I am advised that this will provide the ability to balance the need to protect buildings and other assets from bushfires with a need to ensure that, where appropriate, other matters such as ecological protection of particular areas of the state are maintained. I also should add that these guidelines can apply to either the whole of the state or a specified area. The Department of Water, Department of Parks and Wildlife, Department of Environment Regulation and Department of Agriculture and Food are still engaged in discussions about which provisions that they are responsible for may be excluded from the operation of this bill.

As I said earlier, I am still disappointed that the Crown does not have a higher obligation in terms of mitigation on its own land. We know that the Crown has been derelict in reducing fuel loads on much of its own land. In many cases of major incidents, fires have originated on crown land where fuel loads are high. In the minister’s second reading speech he made reference to a policy promulgated by the Premier on the duties of the public sector to clear bushfire risk around infrastructure. This direction provides —

In an effort to improve the State’s preparedness for bushfire, all public sector bodies and entities listed in Schedule 1 of the *Public Sector Management Act 1994* are encouraged to implement or improve existing Building Protection Zones ... around their critical assets in high bushfire risk areas.

According to the minister’s speech —

Although the policy is focused on the public sector, it indicates the state’s commitment to the utilisation of a fuel reduction strategy for bushfire risk mitigation.

Certainly in my electorate I am usually contacted by constituents in November or December about school or other sites owned by the Crown where there is considerable overgrowth and there is a need for some clearance around buildings or other infrastructure. I make the point that the existing direction is not adequately complied with. I am also disappointed that the elephant in the corner of the room about reducing fuel load on crown land has still not been addressed. Having said that, the opposition will support the bill. If some of the issues that I have raised and which the member for Gosnells will raise are not clarified within the minister’s response, it might be necessary to take the matter to consideration in detail, but I hope that will not be necessary.

There are just a couple of things that I want to mention in the last minute or so relating to some questions I posed to the minister in a motion a few weeks ago and to which he did not get an opportunity to respond. These arose out of the Ferguson inquiry. A number of recommendations and concerns were expressed by Euan Ferguson. The first of those was that he found in the Yarloop–Waroona incident that there were major problems with traffic management and also with the rollout throughout the volunteer sector of ID badges. I raised that issue previously and want to know where that is at. Secondly, he raised the issue of mitigation. I am curious as to which communities will be able to address mitigation programs around regional towns in the coming season. As I said, there are other initiatives in train in relation to a wholesale mitigation of fuel load on crown land.

MR C.J. TALLENTIRE (Gosnells) [4.43 pm]: I rise to make a brief contribution and to seek the minister's clarification on the Bush Fires Amendment Bill 2016. It strikes me that people are often inclined to say that we have fire management problems because of our dreadful environmental laws, but I wonder if in fact there is a problem with the understanding and interpretation of those environmental laws. That is where I want to put some issues to the minister and I will then seek his clarification. I will first look at the Environmental Protection Act, which sets out under section 51C, "Unauthorised clearing of native vegetation", that —

A person who causes or allows clearing commits an offence unless the clearing —

(a) is done in accordance with a clearing permit;

There are two parts of this section that are really relevant to us and I will go through each one. It continues —

(b) is of a kind set out in Schedule 6;

Schedule 6 is headed "Clearing for which a clearing permit is not required" and states —

1. Clearing that is done in order to give effect to a requirement to clear under a written law.

I think there may be powers in the Bush Fires Act that relate to that. Clause 12 is the one that I really wanted to highlight because it relates to the Esperance fires, where there was that suggestion that we had fire occurring on crown land. It states —

Clearing that is done for fire prevention or control purposes or other fire management works on Crown land, within the meaning of the *Land Administration Act 1997*, by the FES Commissioner as defined in the *Fire and Emergency Services Act 1998* section 3.

My understanding of that is that if there is a desire or need for some form of fire prevention work to be done on crown land, it is covered by that schedule 6 provision. That is for crown land. I will look at some of the things that section 51C provides. It sets out in paragraph (c) that there is an exemption if the clearing —

is of a kind prescribed for the purposes of this section and is not done in an environmentally sensitive area.

We then have to look at the regulations. On the one hand the act sends us to schedule 6. Then for private land we have to go to the regulations. The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 has some detail about prescribed clearing, which is the term that it goes back to. What do we find when we look through the regulations? One of the prescribed clearing acts for which a permit is not required is covered by regulation 5, item 3, "Clearing for fire hazard reduction", which states —

Clearing that is fire hazard reduction burning if the clearing is —

(a) to occur outside the prohibited or restricted burning times declared under the *Bush Fires Act* —

Fair enough; they do not want people to use this as an excuse to go burning during a time when there is a ban on fires. That is paragraph (a). Paragraph (b) is the really significant one. It states —

done in such a way as to minimise long term damage to the environmental values of the vegetation.

People are allowed to have a fire hazard reduction burn so long as they do it in a way that is not going to lead to long-lasting environmental damage. There is no restriction there in terms of fire control. That is the key thing. We are left, though, with one category. We have gone through crown land and private land. The private land provision does not apply if someone is in an environmentally sensitive area; that is true. What do they do then? That could apply to an area that perhaps has declared rare flora or is a precious wetland. That does not mean that they cannot have a fire reduction burn; it is just saying that they must get a permit to do it. They would have to get advice from government on how best to do it and then go and do it. I think that is reasonable given the environmental sensitivities and given that if someone is a responsible fire manager, they would want to get external advice from all sorts of parties and they would want to have community engagement. They probably would want to let their neighbours know. It is not something where someone would get up one Friday morning and say, "Right, I'm going to go and burn that wetland area because I think it's a fire risk." They would want to communicate with other people such as the local bushfire brigade and the local shire. They would want to have all those discussions. This is something that would have to be planned. Unless I have something badly wrong, the various categories are covered under the existing legislative arrangements. I am keen to hear from the

minister what this new piece of legislation actually achieves. I admit that there is a degree of opaqueness in the arrangements. People can look in the first instance at schedule 6 of the Environmental Protection Act and the regulations. The department does a reasonable job providing fact sheets and answering frequently asked questions and people are able to get general information, so I question when people say that it is because of green tape that they are not allowed to engage in fire controls and to anticipate fire seasons.

I will leave that aside for now and raise an issue in fire mitigation in Western Australia that is seriously underrated and forgotten—that is, the need to control weed species. The flammability of weeds is an enormous problem when compared with native vegetation. As we get into frequent burning cycles—we are now almost down to six-year burning cycles in some areas—to a one, two or three-year cycle, we are simply opening up the ground to massive weed incursion, which is much more flammable than native vegetation. If we were to go out anywhere to areas that have been disturbed after the rain we have recently had, we would see massive weed infestation. It is not native vegetation there; invariably it is weeds, which may look great—they are lush and green right now—but in time, come October and November, that will senesce, dry off and be highly flammable. To choose an extreme example of the sorts of weeds that could be allowed into this state, I choose gamba grass. Some in the pastoral industry would love to see gamba grass introduced into Western Australia, and I gather that in the Kimberley there are pockets of it already growing. It is useful grazing fodder, but if gamba grass gets out of control, we will have a massive fire hazard. I am now looking at some material from Queensland, where enormous amounts of gamba grass grow. A report from Biosecurity Queensland, which is part of the Queensland government's Department of Agriculture and Fisheries, states —

- Gamba grass-infested landscapes carry up to eight times higher fuel loads than native forest and pastures
- Bushfires are extensive with increased intensity and heat, which affects the tree canopy, transforming woodlands to grasslands. This also poses a serious threat to people and property
- The changing demands for nutrients and water over a large area can alter catchment hydrology and downstream wetlands and watercourses.

Weeds cannot be underestimated in fire control. Gamba grass is perhaps one example of the sort of weeds we have to either keep out of Western Australia or crack down on as soon as we hear about an incursion. If we do not, we will be left with a massive fire problem, and it will be one that will cost us very dearly. Indeed, the Northern Territory began spending about \$70 000 a year on fire control for gamba grass but now spends well over—I did hear the exact budget figure—\$1.5 million a year to have all the fast-attack equipment and the right procedures in place to control gamba grass.

We have plenty of other weeds in the south west of Western Australia. Weeds are a massive fire problem anywhere we care to look. They are out of control. It is at this time of year that we should be looking to control weeds and to rehabilitate areas so that native vegetation can grow back to prevent very serious fire risks. However, we often go in the other direction. As we travel through many country shires in the south west of the state we see that native vegetation has been cleared from the roadsides. Then there is the annual take-off in growth of highly flammable weeds that have to be burned every year because that is the only way to control them. However, had we done the smart thing of retaining good healthy native vegetation, there would not be that degree of flammability and the costs associated with fire control on road verges.

That matter was raised in private members' business not long ago. I raised a number of issues at the time. The Minister for Environment was deemed to be the minister responsible and we did not receive satisfactory answers to the many issues we raised. Fire science evolves all time. I hear that some of the fire science experts in the Department of Parks and Wildlife are contemplating early retirement because they are demoralised with what is going on in the agency. I think back to 2004 or 2005 when Judy Edwards was minister and a fire summit was held. It was very well attended and all kinds of findings came out of it. Some really useful discussions were held and it resulted in a positive feeling and an appreciation of the learning we had to go through and the need to understand how traditional owners, the first inhabitants of this country, managed fire. There was a real appreciation there. After talking to staff in the Department of Parks and Wildlife I gather that we are losing that appreciation all too rapidly. The issue here is biodiversity, but it is also about protecting people's lives and properties.

Last time I rose to speak on this issue I talked about the various zonings that contribute to the achievement of the 200 000 hectare per year burn target. I said at that time that I thought it was a very good first step. I pointed out that the idea came about because in the budget estimates in 2014 the member for Girrawheen raised the issue of the questionable value of a broad 200 000 hectares burn target and that we needed to focus on particular areas to make sure that the bulk of the effort went into fuel load reduction burns in areas close to people's homes and to make people safe. That will need to be fine-tuned in the future because I am not sure the proportions are right. Potentially the 200 000 hectare a year burn target can be reached simply by burning areas miles away from

anyone, but it has to make people and property safe. The principles that are applied in the south west of the state in the jarrah, marri, karri forest area will not be the same principles that are applied on unallocated crown land or the rangelands. There will be a totally different approach, just as a totally different approach is needed in the Kimberley. We must not be seduced by any one-size-fits-all approach. Controlling fire in this state has been and remains a huge challenge. I am as afraid as anyone as we go into a fire season. When I look across at the scarp on a summer's day and I see a plume of smoke I worry and think, "Gosh, what are we in for?" Those events seem to happen every summer. It is frightening. We must do better.

I will conclude on this point. Many people say that there is merit in a fast response system and the capacity to respond quickly. When I lived in Gidgegannup, on a number of occasions—three if I can recall—people lit fires in close proximity to my house and the fast-attack vehicle would come. In that area it would simply be a LandCruiser with a 500-litre tank on the back. The magic that it could perform was amazing. We simply had to identify the fire, put through a call to 000 and through the pager system that we had in the 1990s the fast-attack vehicle would arrive and perhaps within 20 minutes of notification, the fire would be put out. However, if it was much longer, we would have been in for a very dangerous time. The need for fast-response equipment is essential. That is probably the best solution for our fire problem. Fast-response equipment varies from region to region. When people live close to areas of habitation, the LandCruiser system works quite well. But in other areas water bombers, either fixed wing or helicopter, are needed, so long as they are available. I gather that might have been one of the problems with the Esperance fire; that is, there was not the fast response equipment available. This is something that we have much more work to do on, but I look forward to hearing the minister's comments on those various areas about the usefulness of the current legislation, the need for fast attack equipment to be available and to having the minister's recognition of this issue of weed control being an essential part of how we manage fire in our Western Australian landscape. I conclude my remarks there.

MR J.M. FRANCIS (Jandakot — Minister for Emergency Services) [5.00 pm] — in reply: From the outset I thank the opposition for its support for this fairly simple Bushfires Amendment Bill 2016. I thank the member for Girrawheen and the member for Gosnells for their contributions. I want to touch on a couple of things in my reply to their comments. I want to make something crystal clear; in other words I am not going to mince my words. Much of what this bill is trying to achieve is due simply to wives' tales, urban myths and political agendas that have got out of control. I do not need to go too far back in recent history to give examples of public commentary, even since the last fire season, in which people who should know better have made statements on talkback radio. I am talking about elected members of Parliament in Western Australia, not from the state Parliament, but from the federal Parliament, and I am talking about people who represent, for example, the Association of Volunteer Bush Fire Brigades who have made statements about the ability for individuals, whether they be members of the brigades or landowners or whatever to either take action to mitigate bushfire risk or to combat a fire. Quite frankly, when these people make these false claims in the media all it does is perpetuate the myth that if a firefighter goes onto crown land to put out a fire, they will be prosecuted and therefore they cannot do it. It is quite frankly false and it is quite frankly dangerous that people continue to say these things. It is absolutely false to say that a farmer cannot go onto crown land and put out a fire. It is absolutely false to say that a farmer neighbouring crown land cannot take action to reduce the risk of fire by, say, clearing the firebreak on crown land, and I will spell out the exact legislative provisions right now.

I was out at Bullsbrook about three months ago for personal reasons visiting someone to buy something off eBay. It was a rural property and the guy there said, "You're the emergency services minister. Why can't I clear the land around my house? Why can't I do that?" He had been told this perpetuated myth that if he chops down a tree overhanging his house, with the leaves all falling into his gutters, that he is going to have someone from some government agency coming to give him a whopping fine and lock him up in jail. The perpetuated myth is just so dangerous in our society, so I just want to touch on some of these things first.

Firstly, the issue. Can landholders prepare and maintain permanent firebreaks on crown land bordering farming properties? Yes; landowners are currently permitted to prepare and maintain permanent firebreaks on crown land bordering the property, other than road reserves, state forests and timber reserves. Subject to those exceptions, section 34(1) of the Bush Fires Act 1954 allows the owner or occupier—so even people renting—of land bordering on crown land to enter upon the crown land to clear firebreaks, provided the firebreaks are no more than three metres wide and are within 200 metres of the landowner's boundary. Fair enough. Section 34 also allows the owner and/or occupier to burn the bush between those firebreaks at the boundary of their land as long as they obtain a permit from the bush fire control officer under 34(1a) and (1b) and they do not contravene the prohibited and restricted burning periods.

Can land management agencies, fire authorities and bush fire volunteers enter crown land for the purpose of extinguishing a fire? I heard a representative from the AVBFB on 6PR saying a person is not allowed to put out a fire unless they have permission from the Department of Fire and Emergency Services. What a load of rubbish. This is where it becomes dangerous, and quite frankly I am infuriated by it. If so many volunteers start listening

to and believing that, when the day comes—mark my words it has come before and it will come again—that a volunteer bush fire fighter thinks he is not allowed to attack that fire until it crosses a certain line on a map and a whole town burns down, the person who perpetuated the myth should be held responsible. I know the member for Girrawheen agrees with me on this. I do not want to mince my words here. It is absolutely dangerous for people to continue to believe this. Can one of those volunteers or a fire agency enter crown land for the purpose of diminishing fires? Yes. Under section 39A of the Bush Fires Act 1954, when there is an outbreak of bushfire that has been lit or maintained unlawfully, occurred accidentally, ceased to be under control or not adequately controlled, or been declared in the regulations as a bushfire to which the section applies, bush fire control officers, bush fire brigade officers or a bush fire brigade member may, subject to the Bush Fires Act 1954, take charge of the operations for controlling and extinguishing the bushfire or for preventing the spread and extension of the fire. When a bush fire control officer is carrying out a function or duty as set out in section 39A, section 39(1)(c) of the Bush Fires Act 1954 allows them to enter any land, whether private property or not. It does not even have to be crown land. Further, pursuant to section 45(2) of the Bush Fires Act 1954, when an authorised Conservation and Land Management Act officer is present at a bushfire on conservation land or a bushfire on land that is not conservation land and a bush fire control officer does not have control of the operations in relation to the fire, the CALM act officer can exercise the powers of section 39A and have supreme control of all operations of that fire. I hope I have made it crystal clear. Let it be a bit of a warning to people who continue to perpetuate that myth in the media that the next time I hear it I will publicly correct it as I am doing now. I do not care whether the person is a senator from Western Australia or a volunteer bush fire fighter. It is dangerous to make people continue to believe this in order for them to achieve a political agenda.

Now I have made that point crystal clear, hopefully, I want to touch on some of the issues that the member for Girrawheen raised. Before I start, in response to the Ferguson report, what I said when it was tabled and what I still say now is that as a government we will do what we can do that is humanly possible that will make a material difference to reducing the risk of being able to put water on a fire come next fire season. We will do what can be done as soon as we can. That is why this particular bill is so important. It will take away the ambiguity that landowners all over the state of Western Australia have, the fear that they might be sent to jail for chopping down a tree overhanging their bushes or of being given some significantly ridiculous fine by some kind of government agency, be it local or state. This will put their minds at rest if they are in the gazetted area. There is a reason it does not apply to the entire state. Obviously, I do not want someone to use a certain act of Parliament to be able to chop down a tree in their neighbour's property overlooking the Swan River just to get a better view; it has to be done on a sensible basis. This is one of the things we can do here and now in this Parliament today on 18 August that will make a material difference to people's ability to do risk mitigation on their property before the next fire season. It is important that we bring this legislation back up for debate today. It is important and very much appreciated that the opposition supports it and it can be expedited through both houses of the Parliament so people can know what their rights are and do the mitigation on the property without fear or favour before the next fire season, especially considering we are still only halfway through winter.

The member for Girrawheen talked about traffic management as part of the Ferguson report. Yes, that is something that the department is working on now to try to make it easier for certain people to access fire zones. It has come up time and again after every major incident, but I guess from one degree of the pendulum, and I have spoken about it before, three truck drivers lost their lives in Boorabbin because they argued, to a degree, through a roadblock. No-one wants to be the officer who lets someone back through to such a tragic circumstance. We all know that firegrounds can be exceptionally dangerous places for power lines, live wires and trees still burning. I have seen trucks crushed by trees almost every fire season for three years now. But there has to be a balance and I do appreciate that that provision can be fine-tuned and it can be fairer than what it is now. We are working on that one.

I have had a number of conversations with Commissioner Gregson about volunteer identification cards in the past six weeks. It is not quite an easy solution. It is not a cost issue, but one of the problems is that volunteer bush fire brigades, with a few exceptions in the far north of the state, are the property of local government. Unfortunately, not all of those brigades can produce an accurate or any form of membership list, let alone allow us to use that information to issue volunteer ID cards. For the volunteer fire and rescue service managed by the Department of Fire and Emergency Services, it is a bit easier to do, and it is also easy to do with the State Emergency Service, but when it comes to volunteer bush fire brigades, which are not, so to speak, the property of the Department of Fire and Emergency Services, it is much harder. As an example, when the government sent out the application forms for the volunteer fuel cards, I decided to write to every brigade captain, group and unit that qualified, including the SES, sea rescue and bush fire brigades. It was very difficult to get a list of volunteer bush fire brigade captains from regional Western Australia, because many local governments could not even provide basic information such as who was in charge of each particular brigade. There are some challenges in that area, and I am not quite sold on whether it will make a material difference to

the capacity of a volunteer to access a fire area. Firefighters tend to turn up in their uniforms in a fire truck and are let through.

Ms M.M. Quirk: It didn't happen at Yarloop, as I understand it. They had their gear on, but they were in a private vehicle.

Mr J.M. FRANCIS: I do not know the details of that one. It is probably not a major issue, but we are still working on options for ID cards. Without going into technical specifications, my view, which I made clear to the commissioner, is that if we are going to go down this path, which obviously we will get to somehow—I think the member for Girrawheen has asked me about this in question time before—we need to ensure that it is future compatible with the automatic vehicle location system. If we had near-field communication, like everyone's mobile phone and Visa card now has, with radiofrequency identification chips, that would make life a lot easier, rather than just printing a plastic card with a photo on it for the sake of having it. The other point is: What happens if someone resigns as a member of a volunteer bush fire brigade, or falls out after not having turned up for a couple of years, and they still have a card? How do I get the card back? What if they do not know where the card is when they have been asked to return it? If it had some kind of electronic on-off switch on a database, we could maintain the integrity of the database system. It is not quite as easy as printing out a plastic card, as the member can understand.

I absolutely agree with the member for Gosnells on the issue of fast response. He talked about his experience in Gidgegannup. It is all about horses for courses, if you will pardon the pun. The fire that ultimately all but destroyed the town of Yarloop started in Lane Poole Reserve, in very high country. It came down very steep slopes. In the introduction to his report, Ferguson outlines how he was generally satisfied with the initial response, which was a significant amount of aerial assets from the metropolitan area deployed at sunrise. We are talking about mountain slopes so steep that bulldozers and light tankers could not get anywhere near. The only thing that could be done to combat that fire initially was to fight it from the air. Likewise, other fires start for which a fleet of light tankers can be the best way to fight them. There is also the tyranny of distance, and this applied, to a large degree, to what happened in Esperance, where the fire started some way away but, when the wind and weather conditions changed, travelled a long distance fairly quickly. It is not one size fits all when it comes to initial attack, but the member is absolutely right.

To be honest, I googled it, and had a look at the pictures, but I had not heard of the weed species mentioned by the member for Gosnells. I know what it is now that I have seen the photo of it. It looks like sugarcane, but is even taller, and I can imagine what kind of fuel load it would present in the dry summer period. It would be a significant challenge, but I will familiarise myself with that. What we are trying to do here and, as the member for Girrawheen mentioned, it is something that can be disallowable, is essentially clear up any ambiguity between any local government by-laws and other state acts that will prohibit people who want to do so from taking action to reduce the fuel load around their house.

A number of different issues arose through consultation in my party room, the National Party room and through the Labor Party. I do not know whether I need to go into them, but they include what constitutes a dwelling, where it starts from and where a boundary starts from. Obviously, it will be anything authorised on the plans of the building or extensions, awnings or any overhangs. What is the definition of a "tree", and what distance may a tree be from the house to be able to be removed? All those things have been considered in detail in coming up with a submission. I know when the commissioner puts through his regulations, they will be spelt out very clearly, so I do not necessarily have to go into all that now.

The key to all of this, though, is to take away the ambiguity and the misconception that people are not allowed to chop down trees or reduce vegetation that presents a fire danger to their houses. I will not pretend to be an expert on 136 local government by-laws about what can and cannot be done, and I am not going to pretend to be an expert on environmental regulations as well. However, I will say that this is triggered partly by a need to override certain other regulations and laws but, in particular, mainly by a need to set the record straight, because quite frankly I am fed up with people perpetuating myths that endanger the lives of other people in Western Australia, whether it be about access to land or the ability to reduce fuel load, either on our own land or neighbouring land.

I again thank the opposition for its support for the Bush Fires Amendment Bill 2016. It is important, and it is one of the things we can do that will make a material difference to the ability of Western Australians to reduce fuel loads in the coming fire season.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr J.M. Francis (Minister for Emergency Services)**, and transmitted to the Council.