

ACT GOVERNMENT RESPONSE

**TO THE RECOMMENDATIONS OF THE STANDING
COMMITTEE ON LEGAL AFFAIRS INQUIRY INTO**

**FIRE AND EMERGENCY SERVICES ARRANGEMENTS
IN THE ACT**

Report No. 8

TABLING STATEMENT

Authorised by Simon Corbell MLA
Attorney General, Minister for Environment and Climate Change, Minister for
Energy and Minister for Police and Emergency Services
June 2009

16/06/2009

Mr Speaker, for the information of members I present the following paper:

Government response to the Standing Committee on Legal Affairs *Inquiry into Fire and Emergency Services Arrangements in the ACT*.

Mr Speaker, I would like to take this opportunity to thank for former Standing Committee on Legal Affairs for their dedicated work in undertaking this inquiry.

The Government welcomes the Committee's report and its 22 recommendations.

Following the 2003 Canberra Bushfires, both the Coroner and Ron McLeod have inquired into the events. These reports made a combined total of 134 recommendations, the majority of which the Government agreed to.

In an effort to ensure that the implementation of the agreed recommendations from both these reports were being appropriately addressed, the Government requested the ACT Bushfire Council provide a report on the implementation of the recommendations.

This report is due to be completed in the very near future and I am confident that the Government and Emergency Services Agency will be shown to have performed well in their implementation of these important recommendations.

The Government has taken seriously the recommendations that were produced by Coroner Doogan and Mr McLeod, and this is proven with the Government having injected substantial additional funding into the Emergency Services Agency budget since 2002/2003. The Emergency Services Budget Paper 4 expenditure in 2003-04 was some \$38.5 million and in 2008-09 it was some \$86.7 million.

Additionally the Government has also increased funds to land management agencies in specific areas.

With the introduction of the *Emergencies Act 2004*, any uncertainty that had been previously expressed regarding command and control of operations in an emergency was clarified to ensure that the appropriately qualified Chief Officer or an appointed Territory Controller maintain autonomous decision making.

I know that many have questioned the Emergency Services Agency's relocation to new purpose built headquarters; I can confirm that the Emergency Services Agency's planning for the move to Fairbairn is well advanced and progressing well.

Our emergency services are much better placed than they were six years ago. The recently released Report on Government Services 2009 show that the ACT Fire Brigade and ACT Ambulance Service are amongst the best in the

country for their response times and the ACT Fire Brigade again has the highest percentage for successfully containing fires to their room of origin.

This Assembly, as well as the whole ACT community, should be proud of their emergency services workers.

Whilst I am confident that the Emergency Services Agency is well placed and improving all the time, Inquiries such as this provide for a useful examination of emergency services that assists in confirming confidence in the very positive achievements of the ESA and their readiness to meet emergencies, in addition it assists in distilling recommendations for improvements or change where it is warranted.

Mr Speaker, it is with great pleasure that I provide the Government response to the Inquiry into Fire and Emergency Services Arrangements in the ACT to the Assembly today.



ACT GOVERNMENT RESPONSE

**TO THE RECOMMENDATIONS OF THE STANDING
COMMITTEE ON LEGAL AFFAIRS INQUIRY INTO**

**FIRE AND EMERGENCY SERVICES ARRANGEMENTS
IN THE ACT**

Authorised by Simon Corbell MLA
Attorney General, Minister for Environment and Climate Change, Minister for
Energy and Minister for Police and Emergency Services
June 2009

16 / 06 / 2009

ACT GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON LEGAL AFFAIRS INQUIRY INTO FIRE AND EMERGENCY SERVICES ARRANGEMENTS IN THE ACT

INTRODUCTION

The ACT Legislative Assembly Standing Committee on Legal Affairs (the Committee) conducted an Inquiry into the 2003 bushfires during 2008. The Terms of Reference and information regarding the inquiry can be found at:

- <http://www.parliament.act.gov.au/committees/index1.asp?committee=66&inquiry=721>.

The Government provided a submission to this Inquiry, a copy of which is available at:

- <http://www.parliament.act.gov.au/downloads/submissions/06%20corbel%20f&es%2019mar08.pdf>.

The Government has now considered the Committee's Report on the Inquiry into Fire and Emergency Services Arrangements in the ACT and its recommendations in detail. This paper sets out the Government's response to the recommendations of the report.

In considering the report, the Government notes that there were 22 recommendations made by the Committee. With respect to the Committee's recommendations the Government agrees with seven, agrees in -principle with six, notes four and disagrees with five.

BACKGROUND

On 18 January 2003 devastating fires swept through the ACT resulting in the deaths of four people and significant losses of both private and public property and infrastructure, including the loss of 500 homes. It is estimated that the cost of this natural disaster to the ACT is in the order of \$600 million and represented one of the worst natural disasters in Australia's history.

The ACT Coroner (Doogan), and McLeod have inquired into the events and their reports and the governments responses are available at:

- [http://www.jcs.act.gov.au/eLibrary/OtherReports/Govt response to bushfire inquiry.pdf](http://www.jcs.act.gov.au/eLibrary/OtherReports/Govt%20response%20to%20bushfire%20inquiry.pdf);
- http://www.cmd.act.gov.au/data/assets/word_doc/0012/1722/Response.doc.

The Government has requested the ACT Bushfire Council provide a report on the implementation of the Government Response to the McLeod and Doogan inquiries. This report is due to be received in the very near future.

The Government has committed to the implementation of the 61 recommendations from the McLeod Report and the agreed recommendations from the Coronial report. The Government has also injected substantial additional funding into the Emergency Services Agency budget since 2002/2003. Additionally the Government has increased funds to land management agencies in specific areas. The Emergency Services Budget Paper 4 expenditure in 2003-04 was some \$38.5 million and in 2008-09 it was some \$86.7 million.

With the introduction of the *Emergencies Act 2004*, any uncertainty that had been previously expressed regarding command and control of operations in an emergency was clarified to ensure that the appropriately qualified Chief Officer or an appointed Territory Controller maintain autonomous decision making.

RECOMMENDATIONS AND GOVERNMENT RESPONSE

Recommendation 1

8.10 The Committee recommends that a thorough review be undertaken of the communications and coordination between the separate agencies which make up the Emergency Services Agency, to assess the extent to which cultural factors are detrimental to the effective operation of the Emergency Services Agency.

Not Agreed

The existence of historical differences in culture is not a detriment to the effective operation of the Emergency Services Agency. Across Australia a range of cultural issues have been commonly identified in relation to emergency services agencies and processes have been successfully adopted to overcome the differences between them.

Each State and Territory has strong proven systems for coordinated and integrated emergency response through legislation and administrative arrangements, to ensure work coordination is effective and efficient.

The ACT Emergency Services Agency confirmed in its Business Plan of March 2007 a structure which ensures effective operations. It includes staff structures to create efficient and effective command and control through the Chief Officer role across the services. The structure provides for the appropriate support units across the services, such as Risk and Planning, Fleet, Training and Corporate Services and ensures an efficient response to meet the needs of each incident.

In addition, the ACT Government has in place the *ACT Emergency Plan*, which provides appropriate coordination structures and operational policies for wider emergency response. Integrated whole-of-government arrangements are also in place. ACT Policing, ACT Fire Brigade and ACT Ambulance Service regularly work together to provide practical responses to events. A significant amount of shared exercises are also conducted between agencies to ensure that effective responses can be delivered when needed. All of these contribute to effective management across different cultures.

Recommendation 2

8.12 The Committee recommends that the ACT Government develop and publish an operational policy document which spells out the command and control structures and procedures should an emergency event arise.

Agreed in principle

The ACT Government has in place the *ACT Emergency Plan*, which provides an appropriate level of detail for command and control structure.

The ACT Government and the Emergency Services Agency have adopted the Australasian Inter-Service Incident Management System (AIIMS), which uses nationally and internationally recognised command and control structures that are considered appropriate for the management of incidents in the ACT.

Recommendation 3

8.16 The Committee recommends that the Bushfire Council consultative requirements under the *Emergencies Act 2004* be reviewed, with a view to removing the requirement to consult with the Bushfire Council on operational matters, such as staff appointments and matters prescribed by regulation.

Not Agreed

The Government is satisfied with the role of the Bushfire Council as defined under the *Emergencies Act 2004*. Advice from the Bushfire Council serves to enhance input into reporting on emergency services matters. The Bushfire Council brings a wide range of expertise to bear on the advice it provides.

The Government reiterates the importance of the Bushfire Council being consulted and providing advice to the Minister and Commissioner. Advice provided by the Bushfire Council is always considered, but does not bind the Minister or Commissioner on final decision making.

Recommendation 4

8.20 The Committee recommends that responsibility for overseeing the progress of the implementation of agreed recommendations of the coroner be undertaken by a truly independent body and not by the Bushfire Council.

Not Agreed

The Government is satisfied with the current process as the Emergencies Act makes clear, the Bushfire Council is an independent body. The Bushfire Council is well constituted and capable of providing a suitably independent report, and is being assisted by a well respected and qualified independent consultant. The report by the Bushfire Council will be provided to Government for consideration and review.

Recommendation 5

8.21 The Committee recommends that, if the Bushfire Council is to have an advisory role generally in emergency management, it should be renamed to reflect a general emergency role rather than a role specifically in relation to bushfires.

Not Agreed

The Government is satisfied with the current role of the Bushfire Council. There is no intention to broaden the role to provide advice on emergency management in general. In addition, the *Emergencies Act 2004* established the Emergency Management Committee with broad functions, including advising the Minister and Chief Minister about emergency management. The Emergency Management Committee covers an all hazards approach, which includes bushfires, if it is necessary to provide further advice, beyond that provided by the Bushfire Council.

Recommendation 6

8.23 The Committee recommends that the ESA develop a schedule of proposed exercises as a five year rolling plan, in order that all the elements of emergency services are able to be tested over that time and in differing situations.

Agreed in principle

The Emergency Services Agency, in conjunction with interstate agencies and ACT Policing, already provides for active desktop, field oriented and executive level exercises. See Appendix A for 2007-2008 activities.

The exercises are undertaken to maintain a high level of training and continuing improvement to exercise response capability. Additionally,

exercises are conducted at a national level, supported by Commonwealth funding arrangements.

Recommendation 7

8.24 The Committee recommends that the ESA hold discussions with NSW with a view to developing a joint exercise program with the NSW Rural Fire Service on an ongoing basis.

Agreed

The Emergency Services Agency, NSW Rural Fire Service and NSW Department of Environment and Climate Change, as a result of a range of ongoing discussions, have Memoranda of Understanding in place which include a program of joint exercises. A list of the current memoranda is at Appendix B.)

Recommendation 8

8.28 The Committee considers that the ACT Government should table in the ACT Legislative Assembly the cost-benefit analysis and business plan for Fairbairn as a central site for emergency services in the ACT.

Not Agreed

The Government notes matters surrounding the new ESA Headquarters are the subject of a continuing inquiry by the Auditor-General. The Government will consider its response to this recommendation in light of the Auditor-General's Report.

Recommendation 9

8.29 In order that the ACT public can be reassured about the project management and financial planning in relation to the Fairbairn site as a proposed centralised accommodation facility for emergency services, the Auditor-General undertake a review of the project from a financial probity and project management perspective.

Noted

While noting the independence of the Auditor-General, the Government notes that the ACT Auditor-General's Office, as part of its current audit of ACT Government accommodation, will undertake an audit of the Fairbairn project.

Recommendation 10

8.30 If the Auditor-General does not undertake a review in the near future, the Committee recommends that the ACT Government re-investigate the suitability of the Fairbairn site as a proposed centralised accommodation facility for the emergency services.

Noted

The Government notes that the ACT Auditor-General's Office, as part of its current audit of ACT Government accommodation, will undertake an audit of the Fairbairn project.

Recommendation 11

8.31 If the Auditor-General does not undertake a review in the near future, the Committee recommends that the ACT Government make a public announcement about the future accommodation plans for the Emergency Services Agency and its component parts so that both the ESA and the ACT public are informed about current proposals and timeframes.

Noted

The Government notes that the ACT Auditor-General's Office, as part of its current audit of ACT Government accommodation, will undertake an audit of the Fairbairn project.

The Government has announced the decision that the Emergency Services Agency will relocate to Fairbairn. The Government has committed capital and recurrent funding through the budget process for this purpose. The Emergency Services Agency will operate from the new facilities at the end of the construction program.

Recommendation 12

8.32 If the ACT Government decides to proceed with the sites as the emergency services headquarters, that it accord a high priority to the finalisation of the site preparations for the Emergency Services Agency at Fairbairn as a matter of urgency.

Agreed

The ACT Government has made the decision and announced that the Emergency Services Agency will relocate to Fairbairn and project management for the move is well advanced.

Recommendation 13

8.36 The Committee recommends that the ACT Government explain its reasons to the Legislative Assembly for not proceeding with the release of Version 2 of the Strategic Bushfire Management Plan in July 2005.

Agreed in principle

The *Emergencies Act 2004* requires the Strategic Bushfire Management Plan to be reviewed at intervals of no more than five years. The Government is meeting this requirement with a revision of the plan being undertaken consistent with the legislative requirements.

The Government has provided funding to assist agencies to review and update the plan.

The Emergency Services Agency has programmed the revised Strategic Bushfire Management Plan to be available for formal public comment in 2009.

Recommendation 14

8.37 The Committee recommends that the ACT Government finalise Version 2 of the Strategic Bushfire Management Plan as required under the Emergencies Act.

Agreed

See response to Recommendation 13.

Recommendation 15

8.39 The Committee recommends that the responsibility for land management issues lie within a single portfolio, specifically the Minister for Territory and Municipal Services.

Agreed in principle

The majority of issues for ACT lands are already managed by the Minister for Territory and Municipal Services, however a range of wider issues such as broad planning regimes, water, environment, climate change and emergency response necessarily require involvement of a number of portfolios.

The Government provides for a whole-of-government policy approach to land management issues through Inter-Departmental Committees that include the Department of Territory and Municipal Services and the Emergency Services Agency and meet regularly. In addition, a process of formal public consultation is pursued before the adoption of significant management and development plans.

Recommendation 16

8.42 The Committee recommends that the ACT Government develop a joint strategic bushfire management plan with the NSW Government and the NSW Rural Fire Service in relation to those areas which have the potential to impact on both jurisdictions.

Agreed in principle

New South Wales and ACT agencies are already active in undertaking joint planning for bushfire management across jurisdictional boundary areas.

The revision of the Strategic Bushfire Management Plan will provide the final strategic elements for managing all of the landscapes that jointly impact on the ACT and NSW.

Recommendation 17

8.44 The Committee recommends that the ACT Emergency Services and Rural Fire Service in particular institute regular meetings with the NSW Rural Fire Service and other appropriate authorities, such as environment and national parks for the purposes of land management and fuel load assessment and control.

Agreed in principle

The Emergency Services Agency meets formally bi-annually for high level discussions with NSW Rural Fire Service and the NSW Department of Environment and Climate Change. These meetings are agreed formally by way of Memoranda of Understanding.

Across-border officer level and local area meetings are regularly attended by NSW and ACT representatives.

Recommendation 18

8.46 The Committee recommends that information in relation to proposed fuel load activity and controlled burning should be disseminated to the community and in an accessible format.

Agreed

The Emergency Services Agency, in conjunction with the Department of Territory and Municipal Services, will be making information on fuel load activity and controlled burning available as part of the interactive web-based information, which is to be provided under the revised Strategic Bushfire Management Plan in 2009.

Recommendation 19

8.49 The Committee recommends that the ACT Government investigate the Victorian Community Fireguard model with a view to implementing a similar scheme in the ACT to enhance community preparedness for and ability to respond to bushfire emergencies.

Noted

The Government is always receptive to ways to enhance community preparedness.

The ACT Rural Fire Service initially introduced a modified version of the NSW Rural Fire Service "Firewise" program into the ACT. This package is similar to the Victorian "Community Fireguard" package. "Firewise" was primarily targeted towards householders living on the urban interface, providing advice on home protection and preparedness, what to expect in the case of a bushfire impacting, and what to do if one does.

When the ACT Fire Brigade began establishing Community Fire Units, these groups took the place of the Firewise program and introduced a higher level of community ownership for bushfire prevention, preparedness and response. They now effectively provide a continuing source of community bushfire education and awareness to residents within the unit's area.

The ACT Rural Fire Service adapted the "Firewise" model into the current "Farm Firewise" program. This has enabled the ACT Rural Fire Service to continue to promote bushfire education and awareness in the rural areas of the ACT. The program is also enabling a comprehensive upgrade of maps and intelligence of ACT rural leaseholds that will be invaluable in any emergency.

The program has been designed to assist leaseholders in their bushfire planning to meet the requirements of their land management agreements. This feature has supplemented the take-up of the program by rural lessees.

Recommendation 20

8.55 The Committee recommends that the Emergency Services Agency update its website to accommodate, at a minimum, a publications menu item and a search function.

Agreed

The Emergency Services Agency will update its website to include a publications menu, subject to availability of resources.

Recommendation 21

8.56 The Committee recommends that the Emergency Services Agency post all its publications, which are not internal working documents or otherwise confidential, on its website.

Agreed

The Emergency Services Agency will update its website to include all appropriate publications, subject to the resourcing priorities of the agency.

Recommendation 22

8.57 The Committee recommends that each element of the Emergency Services Agency publish organisational charts showing names, positions and contact details on the individual web-pages.

Agreed

The Emergency Services Agency is endeavouring to update and modernise its web site as resource priorities permit.

Appendix A**Emergency Services Training Exercises – 2007-2008**

Date	Type of Exercise	Organised by	Services Involved
July 2007	Vector	ACT RFS	ACT RFS, SES, FB, Risk
July 2007	Navigation exercise	NSW Wilderness Rescue Ass'n	Four ACTSES Units plus NSWSES, NSW RFS, ASNSW, NSW Police, and various bushwalking groups
July 2007	Air search training exercise	ACTSES and AusSAR	ACTSES and NSWSES
July 2007	ECC and ICC training exercise	ACTSES	ACT SES staff plus PIA Unit members
August 2007	IMX IMW	NSW RFS	ACT RFS, NSW RFS, NSW NPWS, Local Govt
August 2007	ICC and FCP training exercise	ACTSES	ACT SES staff plus PIA Unit members
August 2007	USAR/GR training exercise	ACTSES	ACT SES staff plus WDN and RIV Units
Sept 2007	ICP/FCU training exercise	ACTSES	ACT SES staff and PIA Unit
Sept 2007	CBR Decontamination Drill	Calvary Hospital ED	ACTAS
Sept 2007	Desktop	ACT RFS	ACT RFS
October 2007	Canberra Airport Emergency Exercise	Canberra International Airport	ACTAS, ACTFB, SES, St John Ambulance, AFP, AFFR
October 2007	NAVEX	NSW RFS	ACT RFS, NSW RFS
Nov 2007	Investigation & Consequence Management Exercise (ICMEX) Capital ImpACT 2007	NCTC Sponsored Exercise – JaCS SEMB	All
Nov 2007	National Disaster Rescue Competition	Australian Council of State Emergency Services	All State and Territory SES organisations
Nov 2007	Unit Leaders Operations Forum	ACTSES	SES staff and all SES Units
Nov 2007	Farm Firewise	ACT RFS	ACT FRS, NSW RFS
January 2008	Majura Exercises	ACT RFS	ACT RFS
January 2008	Staging Area Management	ACTSES	SES staff and all SES Units
February 2008	Desktop	ACT RFS	ACT RFS, FB, AS, SES, Risk
February 2008	Work in an Operations Centre	ACTSES	SES staff and all SES Units
March 2008	Flood Rescue Boat	NSWSES	NSWSES and ACTSES
March 2008	Land search and 4WD	Woden SES	All ACTSES Units
March 2008	Fire and Emergency	Volunteers	ACTSES volunteers and

	Services Training Activity (FESTA)		staff, ACTRFS volunteers and staff, ACTAS, ACTFB, NSWSES, NSW RFS
April 2008	Work in an Operations Centre	ACTSES	SES staff and all SES Units
May 2008	Joint Training Course CBR/USAR	ACTAS	ACTAS, ASNSW, ACTFB
May 2008	Regional Comp Gundagai	NSW RFS	ACT RFS NSW RFS
May 2008	Air Observer Training	Rural/ Land Agencies	ACT RFS, NPWS, Forests, Vic Water, NSW SES
May 2008	Cert IV TAA, First Aid	ACT RFS	ACT RFS NSW RFS
May 2008	Googong HR	TAMS	ACT RFS, TAMS
May 2008	Staging Area Management	ACTSES	SES staff and all SES Units
May 2008	NavCAN navigation exercise	ACTSES volunteers	SES staff and volunteers, RFS volunteers, TAMS (PCL) staff
June 2008	Drill style exercise – CBR USAR	ACTAS/ACTFB	ACTAS, ACTFB, AFP, SES
June 2008	Tralee HR Burn	NSW RFS	ACT RFS, NSW RFS
June 08	HR Burn, Tallaganda	NSW NPWS	ACT RFS, NSW RFS, NPWS
June 2008	Air search training exercise	ACTSES and AusSAR	ACTSES and NSWSES
June 2008	Rescue competition training activity	NSWSES	NSWSES and Belconnen SES Unit

Appendix B

Emergency Services Agency – Memoranda of Understanding

MOU Between	Date signed
ACT Health and the Department of Justice and Community Safety 2007-2010	26 April 2007
ACT Fire Brigade and ACT Ambulance Service	9 February 2007
ACT Ambulance Service and ACT Rural Fire Service	20 November 2007
Ambulance Service of NSW and the ACT Ambulance Service	14 February 2000
Australian Federal Police, ACT Fire Brigade, Rural Firefighting Service and ACT Coroner's Court	26 July 2002
Interstate Assistance Agreement between NSW Fire Brigades and ACT Fire Brigade	30 November 2004
ACT Fire Brigade and NSW Fire Brigades for Mutual Fire Investigation	7 February 2006
NSW State Emergency Service and ACT State Emergency Service	5 May 2006
Commonwealth and ACT Emergency Services Bureau	2 June 2004
ACT Emergency Services Agency and Department of Environment and Climate Change (NSW)	2008
ACT Emergency Services Agency and NSW Rural Fire Service	23 March 2009
Department of Territory and Municipal Services and ACT Emergency Services Agency for the Provision of Bushfire Preparedness and Response Assistance for 2007-2008	30 November 2007
Coordination of ACT resources in the event of hazard materials spillage between ACT Fire Brigade, ACT WorkCover, Environment ACT and Health Protection Service	28 July 1999