

CURRENT AND EMERGING ISSUES AND TRENDS

The transformation of Emergency Services in Western Australia:

- Critical amendments to the *Bush Fires Act 1954*.
- The development of a single contemporary Emergency Services Act.
- Enhancing both FESA and multi-agency major incident management capacity.
- Strengthening the delivery of emergency services by increasing capability and capacity.
- Advancing information and communications technology to support a whole of Government all hazards approach.
- Implementing the recommendations of the [Victorian Bushfires Royal Commission](#) final report.
- Continuing demand to develop emergency services in vulnerable remote communities.

Consolidating and coordinating emergency management in Western Australia:

- Implementing the recommendations from the Office of the [Auditor-General's review of emergency management](#).
- Five-year review of the *Emergency Management Act 2005*.
- Preparing for the 2011 Commonwealth Heads of Government Meeting in Perth.
- Continuing to work in partnership with local government and communities to enhance emergency management capability and capacity.

ECONOMIC AND SOCIAL TRENDS

Increased demand for information and continuous improvement of our services:

- Preparing the community for existing and emerging hazards.
- Providing timely and relevant public information during emergencies.
- Meeting the increased demand for online services.
- Ensuring continuity of critical services and systems during emergencies.
- Ensuring policies and procedures reflect lessons learned, current industry knowledge and best practice.

CHANGES TO WRITTEN LAW

Bush Fires Amendment Act 2009

The *Bush Fires Amendment Act 2009* came into force on 1 December 2009. The amendments in this Act address some of the recommendations from the [Community Development and Justice Standing Committee's](#) report following its Inquiry into Fire and Emergency Services Legislation.

This Act introduced:

The ability to declare a Total Fire Ban on days when the prevailing conditions are, or are expected to be, conducive to the outbreak or spread of fire or it is otherwise necessary.

- The ability for FESA to authorise an appropriate person to take control of a major fire either at the request of a local government, the *Conservation and Land Management Act (CALM) 1954* CEO, or if the nature and extent of the bushfire warrants that action.
- Additional powers for the person authorised by FESA to take control of a major fire to limit movement, direct evacuation and close roads and other access routes requested in and around the affected area.
- The ability to transfer control of a fire between an officer or member of a Bush Fire Brigade and an authorised CALM Act officer.

- A revised definition of 'property' which now includes 'Crown land', 'bush' and 'fauna'.
- The new national Bureau of Meteorology daily [fire danger ratings](#).

Bush Fires Amendment Regulations 2009

The *Bush Fires Amendment Regulations 2009* also came into force on 1 December 2009 and amended the *Bush Fire Regulations 1954* to give effect to the amendments to the *Bush Fires Act 1954*.

Changes included in the new regulations:

- Provided for the new Bureau of Meteorology daily fire danger ratings of severe and catastrophic that were used nationally from the beginning of the 2009/10 fire season.
- Prescribed activities that are deemed an offence if carried out in the open air during a [Total Fire Ban](#).
- Extended the meaning of 'conservation land' to clarify land under the control of the Conservation and Land Management (CALM) Executive Body and for which authorised CALM Act Officers have primary fire suppression responsibility.

Other supporting regulations are expected to be gazetted by the end of 2010.

Emergency Management Amendment Regulations (No. 2) 2009

The *Emergency Management Amendment Regulations (No. 2) 2009* came into effect on 19 February 2010. They provide for the exchange of information between a hazard management officer or authorised person, and other persons or entities performing functions under the *Emergency Management Act 2005*, during an emergency situation or state of emergency.

Arson Legislation Amendment Act 2009

The *Arson Legislation Amendment Act 2009* came into effect on 19 December 2009 and amended the *Bush Fires Act 1954* as well as *The Criminal Code* in relation to arson offences.

Arson now carries a penalty under the *Bush Fires Act 1954* of 20 years' imprisonment.

In *The Criminal Code* Sections 444A and 445A were inserted. Section 444A places a duty on people in charge of a source of ignition or a fire that is already lit, to take reasonable care to avoid lighting a fire or letting a fire already lit destroy or damage property. Section 445A provides for a penalty of imprisonment of 15 years for people who breach the duty imposed by section 444A.

In addition, Section 444 was amended to increase the penalty for criminal damage by fire from 14 years imprisonment to life imprisonment.

Building Amendment Regulations 2009

The *Building Amendment Regulations 2009* came into effect on 1 October 2009. The amendments require hard wired smoke alarms to be installed in dwellings when they are sold or subject to a residential tenancy agreement.

LIKELY DEVELOPMENTS AND FORECAST RESULTS OF OPERATIONS

During 2010/11, FESA will focus on consolidating the establishment of systems and processes which provide the foundation for future success.

The final recommendations from the Victorian Bushfires Royal Commission will be reviewed to identify impacts for Western Australia and future service delivery.

In particular, the progressive implementation of enhanced technology will improve integration within the organisation and with key stakeholders by facilitating better information and infrastructure sharing.