



Mr Mick Keelty APM
Perth Hills Bushfire February 2011 Review
197 St George's Terrace
Perth WA 6000



Dear Mr Keelty

SUBMISSION – PERTH HILLS BUSHFIRE REVIEW

I refer to the Ministerial Statement of 23 February 2011 seeking written submissions regarding the February 2011 Perth Hills bushfire.

Having considered the Department of Regional Development and Lands' (RDL) Crown land responsibilities in earnest, I am submitting a detailed report outlining RDL's and other Crown land management agencies' responsibilities insofar as general fire management is concerned.

I should point out that RDL has, over the last year, been working towards developing a coordinated approach to tackling the issue of bushfire management across the State in conjunction with other key land management agencies. Ongoing efforts are being made to increase inter-agency cooperation for bushfire management, and RDL strongly believes that an integrated approach is the best way forward for the State.

For further enquiries please contact Mr Dan Collins, Manager Policy and Practice, Lands Division, Department of Regional Development and Lands on

Thank you for the opportunity to provide comments, and I look forward to reading your report.

Yours sincerely

PP Paul Rosair
DIRECTOR GENERAL

14 April 2011



**Perth Hills Bushfire Review Submission
Chair: Mr Mick Keelty APM**

Department of Regional Development and Lands (RDL)

Contact: Dan Collins
Manager Policy and Practice
State Land Services
Lands Division



Executive Summary

The Department of Regional Development and Lands (RDL) is responsible for the administration and disposition of Crown land in Western Australia, which accounts for 93% of all land in WA. RDL operates in accordance with the provisions of the *Land Administration Act 1997* (LAA) to carry out its statutory responsibilities. RDL has direct management responsibility for Crown lands which are not leased, or which are not managed by other bodies. These lands are unallocated Crown land (UCL) and unmanaged reserves (UMR); about 38% of the State's area of 2,527,600 square kilometres.

There are other agencies with strategic Crown land management responsibilities. These include bodies which have specific legal management for particular lands, such as the Department of Environment and Conservation (DEC), the Department of Indigenous Affairs (DIA) and 139 local governments. There are also other agencies which, while not having direct land management, provide land management services. The Fire and Emergency Services Authority of Western Australia (FESA) is responsible for the administration of several statutes which hold it accountable for improving community safety and providing timely, effective emergency services in relation to the management of fire risk. RDL has a Memorandum of Understanding (MOU) with FESA for delivery of fire management services on UCL and UMR within the Perth metropolitan area, regional centres and town sites. RDL has a corresponding MOU with DEC for fire management of UCL and UMR outside the Perth metropolitan area, regional centres and town sites.

RDL is currently working with land management agencies with a view to coordinating a proactive State-wide risk management program, including full costings on an annual recurrent basis to be submitted to the Minister for Lands to request Parliamentary support and approval. A Land Management Reference Group has been set up by RDL and the proposed members listed above have been contacted for their support. The department will convene meetings and workshops with these agencies to seek their cooperation in this immense but necessary undertaking.

RDL's submission dovetails with a proposal being prepared by FESA for fire management for all UCL and UMR throughout the State, including that currently managed by DEC for RDL.

These submissions demonstrate RDL's and FESA's resolve to contribute to proactive and coordinated management of fires and fire risks on the State's Crown lands.



1. Historic Crown Land Management in WA

1.1 RDL's responsibilities

Around 93% of the State's area is Crown land. RDL has varying levels of responsibility for "administering" such lands under the *Land Administration Act 1997* (LAA) – a function related to granting tenures and other dispositions. In the context of this paper, "management" means property management functions, such as risk management, controlling weeds and vermin, and trespass control.

Crown land that is leased, vested in other agencies under Acts other than the LAA, or reserved and managed by other parties under management orders issued under the LAA is the management responsibility of lessees, vestees or management bodies. RDL has responsibility for management of UCL and UMR, an area of about 38% of the State's area. RDL's Lands Division has historically adopted a mostly reactive management role for all UCL and UMR (38% of WA) due to limited funds for weed and vermin control, fire management, trespass management and the removal of dangerous trees and car wrecks on Crown land. This submission will focus mostly on RDL's and other agencies' fire management responsibilities.

RDL's fire management functions are currently discharged by the Fire and Emergency Services Authority of Western Australia (FESA), using funds provided by RDL's Lands Division and pursuant to a Memorandum of Understanding (MOU) signed in 2005 between both agencies. The annual recurrent funding of \$211,000 from the Consolidated Fund has always been far less than is required for FESA to carry out its fire management function, despite increases being sought in successive budgets.

When Cabinet¹ transferred all of Lands Division's² fire, weed and vermin management functions for UCL and UMR outside the Perth metro area, regional centres and town sites to the Department of Environment and Conservation (DEC) on 1 July 2003, it also transferred all RDL's funding for UCL and UMR fire management to DEC. Lands Division was left with an unfunded liability for UCL and UMR over all its Crown lands, including those within the Perth metropolitan area, regional centres and town sites. FESA and Lands Division had been working jointly on a Cabinet Submission of \$2,190,000 for fire management on UCL and UMR at the time.

Consequent to the reallocation of responsibilities, the 2003 funding submission was not progressed. Lands Division was transferred to the Department for Planning and Infrastructure (DPI) in 2003, and sought and obtained emergency funding from other

¹ Based on proposals by the Functional Review Taskforce in January 2003.

² Previously part of the former Department of Land Administration (DOLA).



DPI line items for its unfunded land management functions, through internal budget adjustments. Permanent line item budgeting was provided in subsequent years. The total amount had risen to \$450,000pa by the 2009/2010 financial year made up of Consolidated Fund monies (\$211,000) and DPI monies (\$239,000), and this was transferred to FESA each year for it to manage RDL's lands. When Lands Division was transferred to the newly-formed RDL on 1 July 2009, it lost the budget flexibility accorded to it under DPI's large budget.

Senior FESA operational staff met with RDL staff in late 2009, and indicated that the \$450,000 normally allocated to FESA by Lands Division was inadequate for FESA to carry out its fire management works effectively over all the identified parcels of land in the State covered by the FESA-RDL MOU. \$450,000 is currently sufficient only for fire management in the metropolitan area. Paragraph 2.2 explains RDL's follow-up actions from that meeting.

1.2 DEC's responsibilities

Based on the recently amended *Bush Fires Act 1954* (BFA) and an MOU between RDL and DEC, DEC has Hazard Management Authority (HMA) responsibility for:

- Fire prevention for all DEC-managed land such as State forests, timber reserves, National Parks and wildlife reserves, and for all UCL and UMR outside town sites, regional centres and the Perth metropolitan area; and
- Fire preparedness and response for all DEC-managed land outside FESA-controlled areas.

These are documented in the State Emergency Management Plan For Bushfire December 2010 (Westplan – Bushfire), which was prepared by FESA in consultation with DEC and the Western Australian Local Government Association (WALGA – see Appendix A). Day to day responsibilities for fire management are shared between FESA, DEC and Local Government, within their respective jurisdictions.

1.3 FESA's responsibilities

Based on the BFA and the RDL-FESA MOU, FESA has HMA responsibility for:

- Fire prevention for UCL and UMR within all 523 town sites, regional centres and the Perth metropolitan area consisting of 32,000 parcels of land which are the responsibility of RDL. FESA delivers the service to RDL based on an existing MOU between both agencies; and
- Fire preparedness and response for all lands within prescribed Fire Districts declared under the BFA.

Recent amendments to the BFA, including recommendations by a review committee which analysed DEC's ability to manage major fires, have provided FESA with the power to take control of the management of major bushfires from DEC and Local Government. Accordingly, FESA is heavily represented on the new Interagency Bushfire Management Committee (IBMC), which was formed in February 2010 upon



the direction of the Minister for Emergency Services to improve interagency cooperation between fire management agencies, so as to facilitate better whole-of-State fire management coordination (see Appendix B). Representatives include staff from FESA, DEC, WALGA, the Bushfire Consultative Committee (BCC) and the Bureau of Meteorology (BoM).

The amendments to the BFA and associated recommendations have seen FESA being prescribed as the relevant Hazard Management Authority (HMA) in WA for all bush fires. This is a radical shift from previous arrangements, and FESA are of the opinion that this settles “once and for all the long running debate over who should be in control of major bushfires in WA”³.

1.4 Local Government’s responsibilities

Based on the BFA, local governments are responsible for:

- Fire prevention for all their lands, and prescription and enforcement of bushfire prevention measures on all private lands and leaseholds within their local government district;
- Preparedness and response for all land outside DEC-controlled lands and FESA-controlled areas and for UCL and UMR outside town sites, regional centres and the Perth metropolitan area; and
- Recovery management within all local government areas.

There are approximately 600 Bush Fire Brigades in WA, made up of approximately 25,000 volunteer bushfire fighters from the Volunteer Emergency Service (VES). FESA manages the Bush Fire Brigades’ funding arrangements and provides training and advisory services.

1.5 DIA’s responsibilities

The Aboriginal Lands Trust (ALT) was established under the *Aboriginal Affairs Planning Authority Act 1972*, and it has statutory responsibility for lands previously managed by the Native Welfare Department and a number of other State Government agencies. The ALT’s land comprises 270,000 square kilometres (11% of the State) made up of various tenure types including reserves, leasehold and freehold land. A significant proportion of this land comprises reserves that have Management Orders with the ALT (generally having the power to lease), with their purposes mostly being for “the use and benefit of Aboriginal inhabitants”. The total value of the property is estimated at \$136,840,000. The average cost per hectare spent managing and maintaining the Estate is \$0.08 per hectare.

³ Ferguson, Euan. *A Review of the Ability of The Department of Environment and Conservation Western Australia to Manage Major Fires*, September 2010, p.13.



During the last FY, DIA was allocated \$340,000 excluding staff salaries for the management of ALT land. DIA relies upon their relationships with local government bodies and regional offices to arrange firebreaks on ALT land.

2. Submission for Funding for Fire Risk Management on Unallocated Crown Land and Unmanaged Reserves Within the Metropolitan Area, Regional Centres and Town Sites (the “Submission”)

2.1 Funding requests – Successive Cabinet Submissions

Over the last three decades, Lands Division has put up successive budget submissions requesting additional funds for fire management on Crown land. These submissions have generally been unsuccessful.

2.2 24 January 2011 Cabinet Submission

In November 2010, Lands Division submitted a request for funding for an additional \$1,188,000pa to supplement the allocated recurrent funding of \$211,000pa for RDL to enhance its fire management capability on UCL and UMR within the metropolitan area, regional centres and all town sites in WA. RDL argued that fire hazards constitute a major threat to life and property in the State, and that urgent funds were necessary to pre-empt the threat of fires through bushfire mitigation programs, extra resources and improved technology. In this context, \$1.188m per annum is a relatively small outlay given that the State generates an annual revenue of approximately \$40m through the sale of Crown land. The submission was referred to the Economic and Expenditure Reform Committee (EERC) in January 2011 for its advice.

The EERC then recommended that for RDL coordinate a whole-of-State risk management initiative which would incorporate the Crown land risk management functions of the other agencies listed above, and to then re-submit the paper for consideration. The EERC was concerned about multiple bids by different agencies for funds for similar purposes, and confusion over WA fire management agencies’ actual roles and responsibilities.

3. History of Bushfires in WA and Relevance to Crown Land Management

The Kalgoorlie-Boulder Boorabbin Fires in December 2007, the bushfire in the Wheatbelt town of Toodyay in December 2009 and the recent February 2011 bushfire did not start nor occur on Crown land under RDL’s responsibility. However, the vast expanse of Crown land and current under-resourcing mean that it is only a matter of time before the State confronts liability issues in relation to damages resulting from its inability to identify and manage the risks associated with its own lands. Public expectations for better fire risk management have also intensified in recent years, owing to fire-related tragedies in places such as Victoria and other parts of Australia during the summer months.



4. Recent Independent Review on WA Agencies' Fire Management Capabilities and RDL's Proposed Land Management Model for WA

4.1 Review of the Ability of DEC To Manage Major Fires (September 2010)

Pursuant to Recommendation 5 of the Coronial Inquest into the 2007 Boorabbin Fires, the previous Minister for Environment, the Hon Donna Faragher, commissioned the Chief Officer of the South Australian Fire Service to undertake a review in March 2010 of DEC's ability to manage major fires in WA. Terms of Reference for the review were extensive, and covered issues such as:

- Preparation, planning, response and recovery in respect of major bushfires and strategies for the evaluation and management of bushfire threat and risk;
- Management structure, command and control arrangements, training and resources;
- Communication and coordination arrangements with other fire management agencies; and
- Equipment and public information strategy.

While the report concluded that DEC possesses a "sound capability and capacity for managing fire on its estate", 17 key observations (or recommendations) were made insofar as suggested improvements were concerned.

Key Findings (Related to State-wide Fire Management)

- Structured networks of cooperative partnerships are necessary to underpin relationships between fire management players;
- DEC's Policy Statement 19 (Fire Management Policy) should be updated. Also, all key fire management policies should be brought together into 1 single reference document, in line with a unified doctrine to manage bushfires in WA;
- The amended *Bush Fires Act 1954* (section 13) now allows FESA to authorise, in writing, a bushfire liaison officer or another person to take control of all operations during a fire (see Appendix C) from both DEC and local government;
- The *Emergency Management Act and Regulations 2005* allow for a Hazard Management Agency (HMA) to be prescribed. The review recommended that FESA should be the designated HMA for bushfires henceforth⁴.

4.2 RDL's Proposed Land Management Model

RDL has, over the course of the last 12 months, been working towards establishing a Land Management Reference Group comprising RDL, DEC, DAFWA, FESA, DIA and WALGA (representing the 139 local governments) to collectively tackle risk management issues on Crown land by incorporating the views and land management expertise of these agencies. This includes not only fire risk management, but also

⁴ FESA has since been prescribed as the HMA in WA for bushfires.



weed and vermin control, trespass enforcement, recreational use of Crown land by the public and other significant matters where the State remains heavily exposed.

Research and analysis is currently being undertaken to understand the associated risks and costs involved in adopting a proactive risk management model. The above agencies have been formally contacted to explain RDL's intentions and to convene a working group as the next step forward. It should be noted that this is a massive undertaking which has no precedent insofar as a joint, holistic and proactive Crown land management approach by WA's agencies is concerned.

RDL's preliminary (and very rough) estimates suggest that the costs associated with a proactive, thorough State-wide risk management program could be of the order of \$34m per annum. Fire management comprises only a part of this large project.

RDL currently 'contracts' its fire management of all UCL and UMR within the metropolitan area and all town sites in WA to FESA. FESA indicated that for a proactive State-wide fire management to be efficiently carried out, an increase in 17 FTEs and vehicles including a \$5m starting budget is necessary.

MOUs currently exist between RDL and FESA, and RDL and DEC documenting each agency's responsibility for the management of land which comes under its statutory scope. These are attached as Appendix D and E.

5. Conclusion

RDL and its predecessor agencies have put forward many Cabinet submissions requesting additional funds for fire management over the last few decades. These have mostly been unsuccessful. Nevertheless, RDL is still legally responsible for fire management for UCL and UMR which comprise 38% of the State's land area. Urgent funds are required for RDL to continue its good working relationship with FESA and enhance its fire management and mitigation capabilities over its lands. RDL is pursuing a strategy for whole-of-State risk management of Crown lands with other land management and hazard management agencies, and this will be seeking substantial funding.

APPENDIX A



WESTERN AUSTRALIA

STATE EMERGENCY MANAGEMENT PLAN

FOR

BUSHFIRE

(December 2010)

(WESTPLAN - BUSHFIRE)

Prepared by Fire & Emergency Services Authority in consultation with Department of Environment & Conservation and WA Local Government Association

APPROVED AT SEMC MEETING

RESOLUTION NO: 125/2010

DATE OF APPROVAL: 13 December 2010

REVIEW DATE: 13 December 2015

Contact Officer

For copies of this plan, or to provide comment, contact:

FESA Chief Operations Officer

Fire and Emergency Services Authority of Western Australia

480 Hay Street PERTH 6000

Amendment List

AMENDMENT		DETAILS	AMENDED BY
NO.	DATE		INITIALS
	December 2009	Complete re-write - Working Draft	MC
1	December 2010	Re-draft approved SEMC	MC
2			
3			
4			
5			
6			
7			
8			
9			
10			

(Optional) Copies of this State emergency management plan are available on the <<Organisation Name>> internet site at <<Internet address>>.

Copies of this State Emergency Management Plan are available on the FESA internet site:

<http://www.fesa.wa.gov.au/internet/default.aspx?MenuID=297>

Main FESA website

State Emergency Management

Policy and Planning

State Emergency Management Plans (WESTPLAN)

Table of Contents

PART 1 INTRODUCTION	5
1.1. Aim and Objectives	5
1.2. Scope.	5
1.3. Hazard Definition	5
1.4. Related Documents	5
1.5. Authority to Plan	6
1.6. Plan Responsibilities	6
1.7. Exercise and Review Periods	6
1.7.1 Exercising	6
1.7.2 Review	6
1.8. Organisational Roles and Responsibilities	6
PART 2 PREVENTION AND MITIGATION	10
2.1. Responsibility for prevention and/or mitigation	10
2.2. Legislation and Codes	10
2.3. Prevention strategies	10
PART 3 PREPAREDNESS	11
3.1. Responsibility for preparedness	11
3.2. Preparedness Planning	11
3.2.1 Fire Weather Forecasting	12
3.2.2 Total Fire Ban	12
3.2.3 Resources and Personnel	13
3.2.4 Facilities/Services for Incident Management and Support	13
3.2.5 Special Needs and At Risk Groups	14
3.2.6 Community Education	14
3.3. Planning for Evacuation	14
3.4. Arrangements for assistance from and to other jurisdictions	15
3.4.1 Australian Government Assistance	15
3.4.2 Interstate Assistance	15
3.4.3 Assistance to and from Overseas	15
PART 4 RESPONSE	16
4.1. Responsibility for response	16
4.2. Notification	16
4.2.1 Public Information and Media Management	17
4.3. Levels of Response	18

4.3.1	Principles in Support of Response Arrangements	18
4.3.1.1	Naming Convention.....	19
4.3.2	Appointing the Incident Controller.....	20
4.3.3	Criteria for FESA Control under Section 13 <i>BF Act</i>	21
4.3.4	Declaration of Emergency Situation	21
4.4	Activation of Response Aspects of this Plan	21
4.5	Incident Management System.....	21
4.6	Hazard Management Structure and Arrangements.....	22
4.7	Conducting Evacuations.....	23
4.8	Traffic Management and Road Closures.....	24
4.9	Function Support Plans	24
4.10	Financial Arrangements for Reponse	24
PART 5	RECOVERY	24
5.1	Responsibility for recovery	24
5.2	Transition to recovery.....	25
5.3	Stand Down and Debriefs	25
5.4	Incident Analysis and Review.....	25
PART 6	APPENDIXES	26
6.1.	Appendix A – Distribution List	26
6.2.	Appendix B – Glossary of terms/acronyms	28
6.3.	Appendix C – Key contacts	29
6.4.	Appendix D – Control Notification.....	30
6.5.	Appendix E – Section 13 <i>BF Act</i> Appointment	31
6.6.	Appendix F – Operational Priorities.....	36
6.7.	Appendix G – Public Information System	37
6.8.	Appendix H – Operational Preparedness Matrix	39

PART 1 INTRODUCTION

1.1. Aim and Objectives

AIM: To prescribe the management arrangements, responsibilities and procedures for State Government agencies and organisations involved in bushfire Prevention, Preparedness, Response and Recovery (PPRR).

OBJECTIVES:

- To define the principles upon which bushfire risk management is undertaken
- To define specific bushfire terms, systems, processes and structures utilised in bushfire risk management
- To outline responsibility and accountability for management of bushfire risk treatments and reporting of performance
- To outline the bushfire suppression coordination, control and command arrangements that apply across all tenures and circumstances

1.2. Scope

This plan covers all lands within Western Australia.

1.3. Hazard Definition

A bushfire is an unplanned or uncontrolled fire in the bush. Bush is defined in section 7 of the *Bush Fires Act 1954*.

1.4. Related Documents

This plan is to be read in conjunction with:

- *Bush Fires Act 1954* (the *BF Act*)
- *Fire Brigades Act 1942* (the *FB Act*)
- *Conservation & Land Management Act 1984* (the *CALM Act*)
- *Fire and Emergency Services Authority of Western Australia Act 1998* (the *FESA Act*)
- *Emergency Management Act 2005* (the *EM Act*)
- State Welfare Emergency Management Support Plan (WESTPLAN – WELFARE)
- State Public Information Emergency Management Support Plan (WESTPLAN – PUBLIC INFORMATION)
- State Telecommunications Emergency Management Support Plan (WESTPLAN – TELECOMMUNICATIONS)
- State Emergency Management Plan for Health (WESTPLAN - Health)
- SEMC Policy statements:
 - 4.1 Operational Management

- 4.2 Funding for Emergencies
- 4.3 Post Operations Reports
- 4.4 State Recovery Coordination
- 4.6 Emergency Public Information
- 4.7 Community Evacuation
- 4.9 Commonwealth Physical Assistance
- Checklists – Evacuation, Welfare and Road Closure

1.5. Authority to Plan

The State Emergency Management Committee (SEMC) is responsible for ensuring the preparation of Westplans it considers necessary [Section 20(1) EM Act]. SEMC has delegated the responsibility to ensure the development and review of the State Emergency Management Plan for bushfire *Westplan- Bushfire* to the Fire and Emergency Services Authority of Western Australia.

1.6. Plan Responsibilities

The development, implementation and revision of the plan is the responsibility of FESA in consultation with the Department of Environment and Conservation (DEC) and Western Australian Local Government Association (WALGA).

1.7. Exercise and Review Periods

1.7.1 Exercising

This Westplan will be exercised annually in accordance with State Emergency Management Policy [SEMP 2.2].

For this plan to operate successfully, a state program of training is required to educate and exercise all relevant personnel in its arrangements. FESA, DEC and Local Government are responsible for integrating the plan into relevant agency training programs.

1.7.2 Review

This plan will be reviewed at least once every five years or as directed by the State Emergency Management Committee. Appendices will be reviewed annually.

1.8. Organisational Roles and Responsibilities

The provisions of the *BF Act* are used for the prevention, preparedness and response phases for bushfires. Recovery is initiated by the appropriate response agency and managed by Local Government. It should be noted that all landholders have statutory (*Sections 28 and 33 BF Act*) and common law obligations to prepare for, prevent and manage bushfires on their land.

The HMA responsibilities are allocated as follows:

- Prevention: FESA, DEC and LG for their areas.
- Preparedness: FESA, DEC and LG for their respective areas.
- Response: FESA statewide; DEC and Local Government: Combat agencies for their respective areas.
- Recovery: Local Government.

Day to day responsibilities for fire management is shared between FESA, DEC and Local Government, within their respective jurisdictions as follows:

FESA

Prevention:

- for unallocated Crown lands (UCL) and other unmanaged reserves (UMR) within all townsites, regional centres and the Perth metropolitan area
- the declaration of restricted and prohibited burning times for the whole of the state, and approval of suspensions and exemptions
- the declaration of Total Fire Bans
- the facilitation of statewide arson prevention programs in conjunction with WA Police, DEC and Local Government
- the development and implementation of statewide community engagement and education programs

Preparedness and Response:

- for all lands within prescribed Fire Districts declared under the *FB Act* or where a Fire Service brigade or Volunteer Emergency Service unit is established under the *FESA Act*
- under Section 13 of the *BF Act*, FESA may, in writing, authorize a bush fire liaison officer or another person to take control of all operations at a fire
- the dissemination of public information and warnings

DEC

Prevention:

- for all DEC managed land such as State Forest, Timber Reserves, National Parks, Conservation Parks and Nature Reserves
- for UMR and UCL outside townsites, regional centres and the Perth metropolitan area

Preparedness and Response:

- for all DEC managed land outside FESA controlled areas

Recovery:

- as identified in Westplan-Recovery

Local Government

Prevention:

- for all their own lands
- prescription and enforcement of bushfire prevention measures on all private lands and leaseholds within their local government district
- imposition of harvest and movement of vehicle bans
- issuing permits to use fire
- varying the declared restricted and prohibited burning times in response to local conditions
- enforcement of *BF Act* offences within the local government district

Preparedness and Response:

- for all land outside DEC controlled land and FESA controlled areas and for UMR and UCL outside townsites, regional centres and the Perth metropolitan area

Recovery:

- within all the local government areas

Special Arrangements

FESA and Local Government:

Many Local Governments have formal agreements with FESA for the

- provision of fire and emergency services through a Fire Services Brigade or Volunteer Emergency Service (VES) unit;
- the appointment of a Community Emergency Services Manager (CESM) that may include appointment of the CESM as a Fire Control Officer.

Australian Government Lands:

FESA has arrangements with the Australian Government for the provision of fire and emergency services to Australian Government lands and facilities in accordance with a MOU between FESA and the Australian Government Attorney General's Department. These services may be provided directly or through local governments. Some specific lands and facilities may have federally provided services in place e.g. RAAF Pearce. Regardless of service provision, fire prevention is always a matter for the landholder.

Other Organisations:

- Botanic Gardens and Parks Authority

This Authority manages lands within a FESA district, however BGPA has direct responsibility for bushfire prevention, preparedness, and some response and all recovery within its boundaries. FESA supports the Authority in accordance with a formal response plan.

- Rottnest Island Authority

This Authority manages all aspects of Rottnest Island, including bushfire prevention, preparedness, response and recovery. FESA has established a private fire brigade under the *FB Act* to service the fire related preparedness and response needs on the island.

Interagency Bushfire Management Committee

The Interagency Bushfire Management Committee (IBMC) was established upon the direction of the Minister for Emergency Services in February 2010. The committee is chaired by FESA and includes representation from DEC; Western Australia Local Government Association (WALGA), the Bushfire Consultative Committee (BCC), the Bureau of Meteorology (BoM) and FESA.

The functions of the Committee are to:

- provide a mechanism to ensure that the fire agencies operate under consistent policies, plans and procedures;
- examine opportunities and initiatives to improve interagency cooperation and interaction including resourcing, training and technology, and
- examine opportunities for 'whole of government' efficiencies and collaboration in bushfire management.

Five sub-committees have been established to support the work of the IBMC in the following primary streams:

- Bushfire Research Sub-Committee;
- Fire Operations Sub-Committee;
- Fuel Load Management Sub-Committee;
- Training Sub-Committee; and
- Aerial Fire Suppression Sub-Committee.

PART 2 PREVENTION AND MITIGATION

2.1. Responsibility for prevention and/or mitigation

Bushfire risk management must be underpinned by a rigorous process (such as AS/NZS ISO 31000:2009) that identifies, analyses, assesses, treats and reviews risks. It is a goal of this plan to ensure each local government area across the State develops an integrated bushfire risk management plan across all tenures which details the bushfire prevention and mitigation measures.

A Bushfire Advisory Committee established under Section 67 of the *BF Act* is the preferred means of negotiating a commitment by all landholders to a local plan of action to reduce the incidence and impact of bushfire on their local community. This committee is accountable to its Local Government Council. The Local Emergency Management Arrangements must reflect the outcomes of any bushfire risk management strategies employed.

Local Government planning and development processes also play a role in bushfire risk management by adopting specific standards as outlined in the joint FESA – WAPC Planning for Bush Fire Protection document. In addition, Local Governments are encouraged to define bushfire prone areas in their Town Planning Scheme and ensure new buildings within these areas comply with any applicable national construction and development standards.

2.2. Legislation and Codes

The *BF Act* is the predominant legislation to provide for the mitigation and prevention of bushfires in Western Australia. The *FB Act*, the *FESA Act*, the *EM Act* and the *CALM Act* also contain relevant provisions.

2.3. Prevention strategies

FESA, DEC and Local Governments participate in and contribute to locally developed and implemented Bushfire Risk Management Plans¹ (BFRMP) that incorporate prevention and mitigation strategies. FESA and DEC have established a Bushfire Threat Analysis (BFTA) for many areas of the State and maps provide important risk information for this process. Each Local Government BFRMP should incorporate risk treatments and actions as follows:

- *BF Act* Section 33 notices (“Firebreak Order” or “Hazard Reduction Order”) under the *BF Act*, including applicable fuel management, fire break standards and an enforcement program
- integrated hazard reduction programs for fuel removal and/or modification by manual and prescribed burning methods
- public education campaigns through advertisements, editorials, letter drops and the like, utilising FESA statewide programs tailored to suit local needs

¹ These plans represent a documented outcome of an application of the risk management process by all agencies to bushfire risks across a local government area regardless of tenure.

- community engagement strategies such as the development of Bushfire Ready groups
- arson prevention programs developed in conjunction with WAPOL and FESA
- the definition of bushfire prone areas and setting of land subdivision and building standards in line with FESA and Planning Commission (WAPC) policy
- performance monitoring of BFRMP actions and treatments and report to Council at least prior to and following each bushfire season

The development of integrated BFRMP for each Local Government area that incorporates all risk treatments across all land tenures will be guided by the relevant Bushfire Advisory Committee, assisted by FESA and DEC. FESA provides a standard BFRMP template which can be adapted to suit local circumstances.

PART 3 PREPAREDNESS

3.1. Responsibility for preparedness

FESA, DEC and Local Governments are responsible for the following preparedness activities for land that falls within their respective jurisdictions.

- Pre-incident planning to address response arrangements such as:
 - suitable access for suppression resources
 - communications, incident notification and dispatch
 - control and command facility location
 - suppression capability
 - resourcing scalability
 - information management and other matters that enable rapid, effective and efficient response operations to occur
- Training of firefighters and support personnel to allow a competent, coordinated, effective and safe incident response
- Establishing mechanisms to provide the community with information, education and engage them in bushfire risk management prior to and during an incident

Preparedness strategies will be documented in each Local Government BFRMP by the Bushfire Advisory Committee and endorsed by the Local Government Council.

3.2 Preparedness Planning

The State, District, Local and Brigade level plan preparation arrangements are as follows:

- a. **State:** At the State level FESA is responsible for the development of WESTPLAN – BUSHFIRE in consultation with DEC and Local Government. In addition FESA and DEC have preparedness plans that scale to meet emerging bushfire threats as fire

weather changes. FESA also leads inter-agency preparedness arrangements that may be invoked when warranted due to adverse fire danger forecasts. This may include FESA convening a Fire Danger Rating Liaison Group, or staffing the State Operations Centre (SOC). APPENDIX H describes the all-agencies preparedness arrangements that will be established to meet varying fire weather forecasts.

- b. **District:** Regional/District Fire Response Plans deal with incident preparedness and response within and between agencies and local governments. Both FESA and DEC must have internally approved plans for their respective operational areas that will form the basis of consolidated approach at each FESA regional level. FESA Regional Operations Centres will be the focus of regional preparedness for both DEC and FESA. DEC is responsible for preparedness levels for DEC- managed lands and will liaise with FESA regarding regional preparedness responsibilities. Appendix H describes the scaled approach to preparedness aligned with fire danger forecasts.
- c. **Local:** Local level plans detail the comprehensive (prevention, preparedness, response and recovery) arrangements for the management of the bushfire risks within jurisdictions for every local government area.
- d. **Brigade Area Response Plans:** these plans are the responsibility of individual brigades of both FESA and Local Government.

3.2.1 Fire Weather Forecasting

The Bureau of Meteorology (BoM) is responsible for the development and dissemination of fire weather forecasts including daily publicity concerning Fire Danger Ratings and provides this in accordance with agreed standards and protocol. The commencement, extent and cessation dates for fire weather forecasts for each bushfire season will be determined by FESA in consultation with DEC and BoM. BoM also provides registered users site containing tailored services for fire agencies.

BoM will liaise with FESA and DEC should Severe, Extreme or Catastrophic fire weather be expected. FESA is responsible for the distribution of Severe, Extreme and Catastrophic fire weather information and warnings beyond the normal BoM dissemination process.

BoM has detailed its fire weather information processes in its Fire Weather Directive agreed to by the fire agencies each fire season².

3.2.2 Total Fire Ban

Section 22A of the *BF Act* provides for the declaration of a Total Fire Ban (TFB) by the Minister (or delegate), based on either the forecast fire danger and/or the bushfire situation that exists (such as numerous bushfires or

² The southern fire season is generally accepted as commencing in the South West Land Division on 1 December each year, extending to about April the following year. The northern fire season extends from about July to December. Notwithstanding that fires and fire behaviour can occur at any time, depending upon seasonal factors.

resourcing issues). TFBs will be declared for a 24 hour period from midnight to midnight, and may cover one or more local government areas.

Exemptions that allow certain activities to continue can be obtained from FESA. Conditions will be applied to the exemptions to manage risks associated with the specified activity. Regulations also allow for local control of agricultural activities despite a TFB, though this is removed once the locally measured Grassland FDI reaches 35.

3.2.3 Resources and Personnel

FESA, DEC and Local Government maintain resource lists and mobilisation protocols. This information must be available at each operations centre. FESA will establish and maintain one incident management system (IMS³) for use during incidents by all agencies where practicable. A regime of pooling, naming and assembling multi-agency⁴ Incident Management Teams (IMTs) will be maintained within the Central West, Lower West, Central Wheatbelt, South West and South Coastal Fire Weather Areas to ensure that suitably experienced, qualified and competent personnel are available to fulfil IMT roles. The regime will scale to meet impending fire weather and will follow the requirements set-out at Appendix H.

3.2.4 Facilities/Services for Incident Management and Support

FESA, in conjunction with DEC and local government will identify suitable facilities at which IMTs, Incident Support Group (ISG) and Operations Area Support Groups (OASG) may operate. FESA, DEC and some Local Governments have offices, mobile and/or transportable facilities that can be utilised in place of, or in addition to, facilities identified.

Facilities, firefighting resources and support services should comply with the following standards:

- Geographical Information System (GIS) mapping will be coordinated through the use of the Government's Shared Land Information Platform (SLIP) and compatible systems
- fire behaviour modelling through the use of tables and algorithms applicable to the fuel type agreed by the Interagency Bushfire Management Committee (IBMC)
- aircraft bushfire suppression operations in accordance with policy and procedures set by the IBMC's Aerial Fire Suppression Sub-committee

³ Incident Management System (IMS) is the FESA information system that provides a comprehensive means of recording incident information, including resourcing and personnel. Interagency access to IMS for major incidents will be provided by FESA at Incident Control Centres (ICC) when appropriate, Regional Operations Centres (ROC) and State Operations Centre (SOC).

⁴ Multi-agency means the greatest possible involvement of the three fire agencies – FESA, DEC and Local Government to the extent their expertise and availability allows.

- FESA, DEC and Local Government will work to common standards and procedures concerning facilities and associated infrastructure (such as communications) where practicable.

FESA provides operations centres at the regional and state level for use across all agencies when required, as follows:

- Regional Operations Centres (ROC): Kimberley – Broome and Kununurra; Pilbara – Port Hedland and Karratha; Midwest Gascoyne - Geraldton; Goldfields Midlands – Kalgoorlie and Northam; Metropolitan - FESA House; South West – Bunbury; Lower South West – Manjimup; Great Southern – Albany
- State Operations Centre (SOC): FESA House.

3.2.5 Special Needs and At Risk Groups

The following groups need to be identified and documented in Local Bushfire Risk Mitigation Plans and may include.

- Special needs groups such as schools, hospitals, aged care facilities and including travellers and holiday destination groups.
- At risk groups including Indigenous and Culturally and Linguistically Diverse (CALD) communities and at risk localities.

These groups may be included in Local Emergency Management Arrangements.

3.2.6 Community Education

FESA conducts statewide programs relating to community preparedness for bushfire in support of local efforts. FESA also develops programs and associated material for use at a local level. Local government may also have locally developed community education programs. The local BFRMP, as largely detailed in section 2, must include strategies for public education relating to preparedness activities in their local community.

DEC conducts a schools-based Eco Education Program through a number of centres in the south west that provides a fire education program for students, teachers and parents.

3.3. Planning for Evacuation

The 'State Emergency Management Policy 4.7: Community Evacuation' provides the direction for controlling agencies in the planning for, decision making and conduct of evacuations.

The development of detailed evacuation procedures is the responsibility of controlling agencies for bushfire and should be detailed in the local BFRMP.

The Incident Controller is responsible for the identification of 'at risk' locations, facilities and community groups and ensure that appropriate actions are taken to ensure the best possible safety of the community. This may include the identification of refuges and safer places as required.

Community Welfare Centres are usually identified in Local Emergency Management Arrangements and are identified and established in partnership with local governments and the Department for Child Protection.

Incident controllers are to be familiar with the evacuation procedures specific to the hazard, local arrangements and the location of community welfare centres.

Additional Plans and Policies that have relevance to planning for evacuation include :

- the State Welfare Emergency Management Support Plan (WESTPLAN – WELFARE)
- the State Registration and Inquiry Emergency Management Plan (WESTPLAN – REGISTRATION & INQUIRY)
- SEMP 4.6 – Emergency Public Information
- SEMP 4.7 – Community Evacuation
- Local Emergency Management Arrangements

3.4. Arrangements for assistance from and to other jurisdictions

3.4.1 Australian Government Assistance

All requests for Australian Government physical assistance are made in accordance with SEMP 4.9 – Australian Government Physical Assistance.

3.4.2 Interstate Assistance

FESA (inclusive of local government personnel) and DEC maintain schedules of competent personnel capable of deployment interstate.

Deployment occurs on an agency specific basis in accordance with individual agency policy and directives, though FESA must be notified of any significant resources being committed. Ministers responsible for DEC and FESA are to be notified before any interstate deployment.

3.4.3 Assistance to and from Overseas

International arrangements are in place between Australian jurisdictions and a number of other nations to provide mutual assistance for bushfires. These arrangements are coordinated through the Chair of the Forest Fire Management Group (FFMG) under the Australian Government's Forestry and Forest Products Standing Committee. DEC Fire Management Services is the State Coordinator for the deployment of Western Australian bushfire managers under these arrangements.

PART 4 RESPONSE

4.1 Responsibility for response

FESA, DEC and Local Governments are responsible for developing and implementing rapid, effective and complementary bushfire response arrangements for their jurisdictions.

Appendix F details operational priorities to be adhered to during response activities.

FESA: Mobilisation and management of FESA resources is coordinated through its Communications Centre (COMCEN) and the relevant Regional Operations Centre (ROC). Where FESA has appointed an Authorised Person under section 13 of the *BF Act*, FESA's State Operations Centre will coordinate statewide resourcing and incident information for all major bushfires, regardless of tenure. COMCEN receives emergency triple-zero calls statewide and either dispatches resources direct or passes call information to DEC or Local Government. The triple-zero agreements exist with every relevant Local Government to expedite response. DEC has an agreement with FESA that 000 call information for DEC-managed lands will be referred to the local DEC office.

DEC: Management of DEC firefighting response is through its network of District and Regional offices and work centres, with overall coordination of DEC resources during major incidents through presence in FESA State Operations Centre. Triple-zero call information taken by FESA for DEC managed land will be passed by FESA to DEC utilising established contact procedures. Response by DEC to bushfires will be notified to COMCEN via radio or 1800 198140, or 000 for life threatening emergencies.

Local Government: Local Government Bush Fire Brigade response arrangements are managed at the local level by a network of Captains, Fire Control Officers, Chief Bushfire Control Officers and Deputy Chief Bushfire Control Officers. Triple-zero call information taken by FESA for Local Government managed land will be passed by FESA to Local Governments utilising established contact procedures. Response by Local Governments to bushfires not already known to FESA will be notified to COMCEN via radio or 1800 198 140 or 000 for life threatening emergencies.

4.2. Notification

FESA COMCEN is central to statewide fire reporting and tracking, as follows:

- triple-zero agreements will be maintained with DEC and all Local Governments with bushfire response responsibilities to ensure calls are expedited and tracked statewide.
- all fires are to be immediately reported to FESA COMCEN via radio or 1800 198 140.

- all agencies will keep FESA COMCEN informed of bushfires that have the potential to escalate to Level 2 or 3, including explicitly classifying them in accordance with the table within 4.3.1.
- FESA will keep agencies informed of developing situations that may require their support or action.
- all agencies will notify FESA COMCEN where Incident Control arrangements are transferred to another agency (Appendix D).
- all agencies will utilise agreed IBMC standard procedures and protocols to ensure reliable notifications to and from FESA.

4.2.1 Public Information and Media Management

Agencies are responsible for the provision and management of public information on a daily basis. *WESTPLAN – Public Information* details the emergency management arrangements for provision of emergency public information (EPI). *SEMP 4.6 Emergency Public Information* details the responsibilities and requirements for the HMA, Combat Agencies and Support Organisations in providing timely, accurate and consistent emergency public information to communities at risk.

The public information tools developed by FESA, including talking points and media alert templates, have been provided to all agencies for use during a bushfire to ensure consistent safety messages. Warnings for all fires, where there is a possible threat to lives or homes, will be published on the FESA website and information line, including any fires being managed by Local Government or DEC, to ensure there is one point of information.

Where FESA has appointed an authorised person under Section 13 of the *BF Act* public information will be managed by FESA. FESA has comprehensive arrangements to ensure the community of Western Australia is informed of potential, developing and current bushfire emergencies. Appendix G details FESA's public information system.

Bushfire Warning System

During a bushfire, the controlling agency will provide as much information as possible to potentially affected communities utilising all possible means. There are three levels of warning, these will change to reflect the increasing risk to life and the decreasing amount of time until the fire arrives.

The three levels of warning are:

- **ADVICE:** a fire has started and there is no immediate danger, this is general information to keep you informed and up to date with developments.
- **WATCH AND ACT:** a fire is approaching and conditions are changing, you need to leave or prepare to actively defend to protect you and your family.

- **EMERGENCY WARNING:** you are in danger and you need to take immediate action to survive as you will be impacted by fire. This message may start with a siren sound called the Standard Emergency Warning Signal (SEWS).

A table detailing the public warning regime and detailed messaging is available at:
<http://www.fesa.wa.gov.au/internet/upload/shared/docs/Warnings.pdf>

4.3 Levels of Response

4.3.1 Principles in Support of Response Arrangements

The basis for operational management is SEMP 4.1 – Operational Management In addition, the following principles applying to bushfire response:

- the agency that is best placed in terms of location, resources and expertise is to deal with bushfire incidence – this will be achieved through transfer of control under Sections 45A and 45 of the *BF Act* where required.
- FESA COMCEN must be kept informed of bushfire incidence and any developing situation where there is a potential for multi-agency involvement or impact on more than one agency area, lifeline infrastructure or on community safety.
- IMTs will consist of a mix of agency personnel selected according to skills, knowledge experience and availability.
- IMTs must include personnel with local knowledge⁵.
- Level 3 IMTs must include a Deputy Incident Controller, Safety Advisor and Public Information Officer.
- Level 3 IMTs must be led by an endorsed L3 Incident Controller, where practicable, unless otherwise determined by the HMA or controlling agency⁶.
- Level 2 pre-formed teams will be established in regional areas in accordance with Appendix H.
- State and Regional level command and coordination arrangements will be through FESA.
- where an authorised person has been appointed under Section 13 of the *BF Act* public information will be managed by FESA.
- where an authorised person under Section 13 of the *BF Act* has been appointed, resource coordination will be undertaken by FESA.

⁵ Local Knowledge is defined as a person or persons with intimate knowledge of the local terrain, fuels, risks, volunteer capability and infrastructure.

⁶ Being the agency with control of the bushfire at the time.

- Incident Controllers will explicitly declare every incident level (1, 2 or 3) in accordance with the following table.
- operational priorities are listed at Appendix F.

4.3.1.1 Naming Convention

The naming convention needs to be flexible. It is critical however that once named, the bushfire is referred to consistently.

Incidents will be named using a common standard. In many instances, the locality⁷, place or feature may be adequate, such as Serpentine National Park or the Murray Valley or Kings Park. The nearest major roadway, and the Local Government name may be necessary for other situations where there are no specific features such as for example: Croyden Road, Roleystone, City of Armadale.

INCIDENT LEVELS	DESCRIPTORS AND ACTION
LEVEL 1 (routine)	<p>A Level 1 incident is characterised by being able to be resolved through the use of local or initial response within a few hours. Being relatively minor, all functions of incident management are generally undertaken by the one person.</p> <ul style="list-style-type: none"> • FESA to be notified of the bushfire. • DEC and LG can transfer control bushfires to one another – FESA to be notified (APPENDIX D)
LEVEL 2 (extended)	<p>Level 2 incidents are more complex either in size, resources, risk or community impact. They may be characterised by the need for:</p> <ul style="list-style-type: none"> - deployment of resources beyond initial response - sectorisation of the incident - the establishment of an IMT <ul style="list-style-type: none"> • DEC and LG can transfer control bushfires to one another – FESA to be notified (APPENDIX D) • Preformed IMTs should be utilised • IAP⁸ to be developed within 4 hours of IMT assembly • Bushfire status to be regularly (by 1000 and 1800 hours daily) reported to FESA • ISG to be considered, OASG to be established for multiple incidents. • FESA ROC to be established
LEVEL 3	<p>Level 3 incidents are protracted, large and resource intensive. They may affect the community and/or public infrastructure, and may require the establishment of divisions for effective management of the</p>

⁷ Locality is the geographic place name (city, town, suburb, locality)

⁸ IAP to standard agreed by IBMC and attached to IMS.

(Major/ complex)	<p>situation. These incidents will usually involve delegation of all the Incident Management functions.</p> <ul style="list-style-type: none"> • FESA to be notified of the IMT composition, its location and contacts (APPENDIX D) • Existing suppression arrangements will apply and if required Preformed IMTs will be utilised • IAP to be developed within 4 hours of IMT assembly • FESA to be kept informed of IMT changes and incident status (by 1000 and 1800 hours daily) • ISG must be established, OASG to be considered (i.e. WAPOL DCP, Health, Main Roads, Local Government) • If criteria at 4.3.3 met, a Section 13 (<i>BF Act</i>) appointment should be recommended to FESA CEO • OAM and OASG to be established for multiple Level 3 incidents • FESA ROC and SOC to be established for multiple Level 3 in accordance with Appendix H
---------------------	---

4.3.2 Appointing the Incident Controller

All fires requiring suppression will have an Incident Controller appointed by the controlling agency. This may or may not be an employee or volunteer of the agency on whose jurisdiction the bushfire is burning. The appointment will be immediately communicated to the relevant combat and support personnel involved.

The criteria to be considered in the appointment of an Incident Controller are:

- the availability of suitably experienced, qualified and competent staff.
- the relative threat to life, property and community assets in each of the agency's area of jurisdiction.
- the capacity of each agency to effect control, given other bushfire response commitments the agencies may have at that time.
- the resources committed by each agency.
- the projected spread of the fire in relation to the jurisdictional area of each agency.

If a fire is burning in the district of a local government or on DEC managed land, the FESA CEO may, under Section 13 of the *BF Act* authorise a Bush Fire Liaison Officer (BFLO) or another person to take control of all operations in relation to that bushfire if requested or because of the nature or extent of the fire FESA considers that it is appropriate to do so.

Appointment as an Authorised Person under Section 13 by the FESA CEO will be on the recommendation of the relevant FESA Regional Director who

will if possible, consult with the affected DEC and Local Government personnel.

The process at APPENDIX E will be followed.

4.3.3 Criteria for FESA Control under Section 13 *BF Act*

FESA, in consultation with the other agencies where practicable, may assume control of a fire(s) when:

- (a) a bushfire has assumed or is likely to assume such proportions as to be incapable of control or suppression by the firefighting agency in whose jurisdiction it is burning
- (b) a bushfire is not being effectively controlled or suppressed by the firefighting agency or agencies in whose jurisdiction(s) it is burning
- (c) a multi-agency or multi-jurisdictional fire requires or may require the coordination of resources and public information

FESA Regional Duty Coordinators will advise the FESA State Hazards Operations Officer when it is considered that this situation may exist based on the one or more of the following triggers:

- There is not a clear plan or objectives established within 4 hours and the fire is continuing to burn uncontrolled;
- An urban settlement is in direct path of the fire;
- The incident controller believes the fire is not likely to be contained using existing/available resources;
- The fire weather at the incident is Severe or above;
- The nature and extent of the bushfire requires state-level coordination of resources or public information.

4.3.4 Declaration of Emergency Situation

As defined in *EM Act* Regulations, FESA will be the sole agency to initiate Emergency Situation Declarations where the additional powers of the *EM Act* are required.

4.4 Activation of Response Aspects of this Plan

This plan applies to all bushfires in Western Australia covered by the *BF* and *FB Acts*.

4.5. Incident Management System

The Australasian Inter-service Incident Management System (AIIMS) is to be utilised by all agencies party to this plan.

4.6 Hazard Management Structure and Arrangements

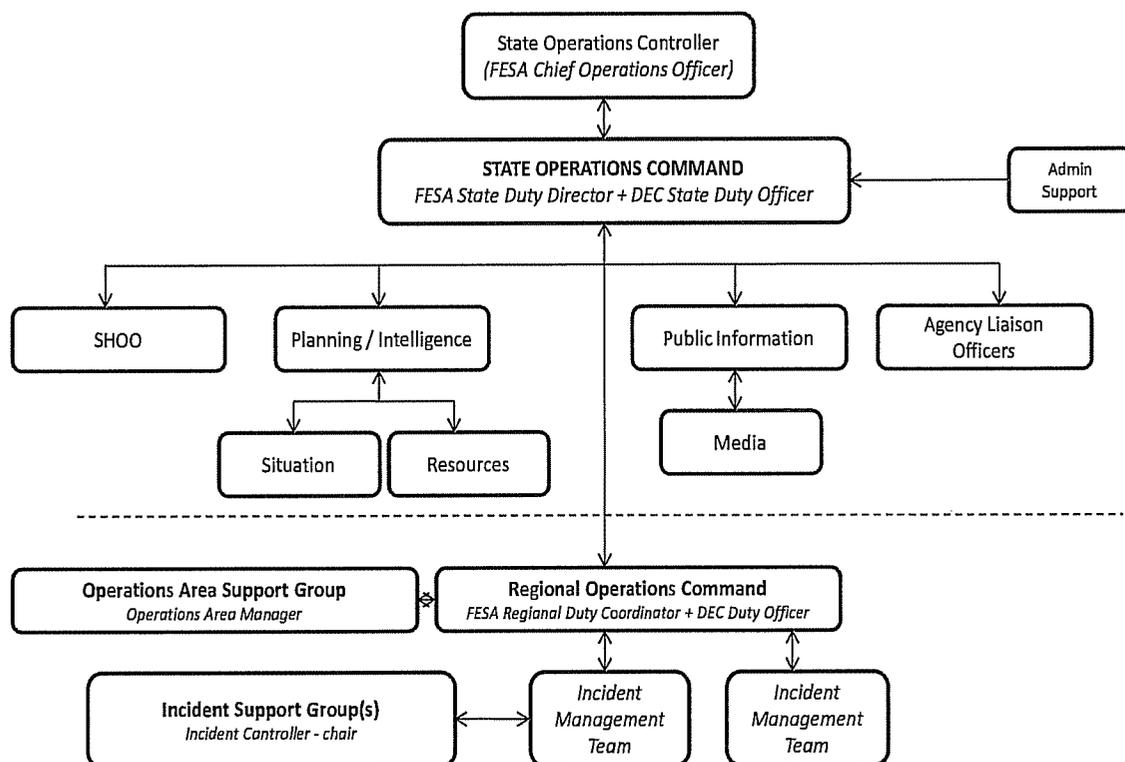
The structure of incident management and support will escalate to meet the needs of the situation in accordance with SEMP 4.1 and this plan.

All bushfires, where FESA has appointed the Incident Controller, will be coordinated through FESA. Agency representatives will be required to make available the appropriate level of incident management, support or coordination as required representing their agency's interests.

The following diagram provides an overview of the state's bushfire response command and coordination structure. Note that command arrangements *within* each agency are not illustrated and will remain intact at all times, including the necessary intra-agency reporting arrangements.

Appendix H outlines arrangement to ensure adequate facilities, expertise and reporting arrangements are in place ahead of, and during, bushfire response.

State Fire Operations Command and Coordination Structure



Where there is more than one major bushfire, one or more Operations Area Managers (OAM) may be appointed to oversee more than one Incident Controller.

The State Emergency Coordination Group (SECG) will be convened if:

- requested by the HMA due to the nature and extent of bushfires and one or more Emergency Situations has been declared by the HMA under the *EM Act*; or
- on the request of the State Emergency Coordinator (SEC) at his/her own initiative, or
- a State of Emergency has been declared under the *EM Act*

The FESA State Operations Centre will be activated if:

- the operational matrix at Appendix H provides for it; or
- one of more Section 13 appointments have been made under the BF Act, or
- there is a need for significant statewide resource or public information coordination.

4.7 Conducting Evacuations

The Controlling Agency is responsible for the conduct of evacuations and the return of community.

The objective of maintaining community safety and minimising the exposure of people to a bushfire is a priority. Any decision to evacuate should be conducted with an appropriate understanding of risk and wide consultation within Incident Support Groups including reference to existing plans and arrangements.

The early identification of vulnerable locations, facilities and groups is important in ensuring that the evacuation effort and objectives are implemented on a priority basis. Incident Controller responsibilities include the

- coordination of the transport of evacuees,
- identification of safe egress routes,
- identification of, and receipt at designated Welfare Centres,
- security of locations evacuated,
- provision of information and
- the return of the community to a safe and risk free environment

When evacuation is required during an authorised period under section 13, section 14B of the *BF Act* provides the authorised person with additional powers to:

- direct or by direction prohibit, the movement of people, animals and vehicles within, into out of or around the affected area or any part of the affected area
- direct the evacuation and removal of persons or animals from the affected area or any part of the affected area
- close any road, access route or area of water in or leading to the affected area.

4.8 Traffic Management and Road Closures

Road closures, whether partial or full, must be conducted in accordance with SEMP 4.8. The management of traffic in and around a bushfire, including the welfare of persons affected, must be carefully considered by the Incident Controller. WAPOL and Main Roads are critical to the success of road closures and traffic management.

The movement of equipment and machinery for fire fighting is also a consideration, including the facilitation of movement during and after a bushfire. During a major bushfire where an authorised person under section 13 of the *BF Act* has been appointed by FESA, powers are available to move unlicensed vehicles without permit. The return of unlicensed vehicles should be managed as part of the firefighting operation, while the powers are still available.

4.9 Function Support Plans

- *Emergency Management Act 2005.*
- Western Australian State Recovery Emergency Management Plan (WESTPLAN - RECOVERY).
- State Welfare Emergency Management Support Plan (WESTPLAN – WELFARE).
- State Telecommunications Emergency Management Support Plan (WESTPLAN – TELECOMMUNICATIONS).
- State Emergency Management Plan for Health (WESTPLAN – HEALTH)
- SEMC Policy.

4.10 Financial Arrangements for Reponse

The organisation with operational control of any resource shall be responsible for payment of all related expenses associated with its operation during emergencies, unless other arrangements are established. Detailed information in relation to the financial responsibilities of participating organisations is outlined in SEMP 4.2 – Funding for Emergencies.

When an agency assumes control they will be responsible for all costs above agency normal operational costs. Recovery of costs for Local Government will be approved by FESA on each occasion.

PART 5 RECOVERY

5.1 Responsibility for recovery

Local governments are responsible for the coordination of community recovery at a local level. Where recovery activities are beyond the capacity of the local community, support may be provided through the provisions of the SEMP 4.4 – State Recovery Coordination.

5.2 Transition to recovery

The agency for response must initiate the recovery process and ensure relevant information is provided to the local government through a handover process.

Restoration and Rehabilitation

As part of the incident, the Incident Controller will arrange for affected land manager(s) to assess and report on damage to infrastructure and environmental damage, and make recommendations for rehabilitation and restoration. Assistance may be sought through Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA). Combat agencies and support organisations are required to participate and assist with the environmental assessment.

Site clean ups will only commence once the associated risks are reduced to a point considered acceptable to the Incident Controller. The Incident Controller may, on the advice of technical or local advisory groups, permit recognised contractors to commence clean up operations. However, preservation of evidence must be considered prior to any restoration work commencing. The controlling agency remains the custodian of property until the owners or the Police arrive to take responsibility.

Community recovery

As per Local Emergency Management Arrangements, supported by SEMP 4.4.

5.3 Stand Down and Debriefs

The Incident Controller will determine when the bushfire has been declared safe so that stand down procedures may commence. When an ISG has been formed, stand down arrangements will be made in consultation with the relevant agencies. Stand down of incident personnel should not occur until recovery arrangements are in place. Prior to stand down, the Incident Controller may conduct a 'hot debrief' of all the participating agencies to explain the situation, address outstanding issues, answer questions and handover recovery operations to the responsible agency.

Investigation

The origin and cause of all bushfire emergencies where there has been loss of life, injury or loss of property, including all Level 3 bushfires, will be initiated in accordance with legislation.

5.4 Incident Analysis and Review

A Post Incident Analysis (PIA) of any bushfire may be conducted in line with the agencies standards and commensurate with the type and/or complexity of the incident. The PIA may examine all community impacts including environmental considerations.

A post operational report may be prepared and forwarded to SEMC in accordance with SEMP 4.3 – Post Operations Reports.

PART 6 APPENDIXES

6.1. Appendix A – Distribution List

- **Emergency Management Australia**
National Emergency Management Coordination Centre
EMA Institute Library (2 copies)
- **State Government Ministers**
Minister for Police; Emergency Services; Road Safety
Minister for Environment
Minister for Local Government
- **State Emergency Management Committee**
All members
Secretary SEMC
All subcommittee members
- **Organisations with responsibilities in this plan**

Fire & Emergency Services Authority
Chief Operations Officer
Assistant Chief Operations Officers x 4
Regional Directors x 10
District Managers and Area Managers
FESA Library

Department of Environment and Conservation
Director General
Director Regional Services
Regional Managers
Manager Fire Management Services Branch

Western Australia Police
Regional Coordinators (Commanders) – Metro and Country
District Superintendents

Western Australian Local Government Association
Chief Executive Officer
Local Government Chief Executive Officers and Chief Bush Fire Control Officers

Department of The Attorney General

Director General

Department for Child Protection

Chief Executive Officer

Main Roads Western Australia

Incident Management Manager

- **Library Deposits (bound copies with contact details removed)**

National Library of Australia, Legal Deposits Unit (2 copies)

State Library of Western Australia, Battye Library (4 copies)

6.2. Appendix B – Glossary of terms/acronyms

Agency	A firefighting agency ie DEC, FESA or LG
BFRMP	Bushfire Risk Management Plan
AIIMS	Australasian Inter-service Incident Management System
BoM	Bureau of Meteorology
COMCEN	FESA Communications Centre
DEC	Department of Environment and Conservation
DEMCC	District Emergency Management Committee
ECC	Emergency Coordination Centre
FESA	Fire and Emergency Services Authority of Western Australia
SOC	State Operations Centre (FESA)
IC	Incident Controller
ISG	Incident Support Group
IMT	Incident Management Team
LEMC	Local Emergency Management Committee
LG	Local Government
OAM	Operational Area Manager
OASG	Operational Area Support Group
MPA	FESA Media and Public Affairs
PIA	Post Incident Analysis
ROC	Regional Operations Centre (FESA)
SECG	State Emergency Coordination Group
SEMC	State Emergency Management Committee
SEMG	State Exercise Management Group
SES	FESA State Emergency Service
SOP	Standing Operating Procedure
WALGA	Western Australian Local Government Association
WANDRRA	Western Australian Natural Disaster Relief & Recovery Arrangements
WAPOL	Western Australia Police
WESTPLAN	Western Australian Emergency Management Plan

6.3. Appendix C – Key contacts

KEY CONTACTS

6.4. Appendix D – Control Notification

TRANSFER OF CONTROL/ASSUMPTION OF CONTROL NOTIFICATION

In Accordance with sections 45 and 45A of the *Bush Fires Act 1954*, the control of all operations and resources at the fire(s) burning in:

the local government district of _____

and located at _____

have been assumed by (Name) _____

(Signature) _____

(1) Representing (organisation) _____

With the agreement of (Name) _____

(Signature) _____

(2) Representing (organisation) _____

At (time) _____ on (date) _____

(3) The FESA Communications Centre (1800 198 140 or 6IP, 6AR) has been advised accordingly at this time.

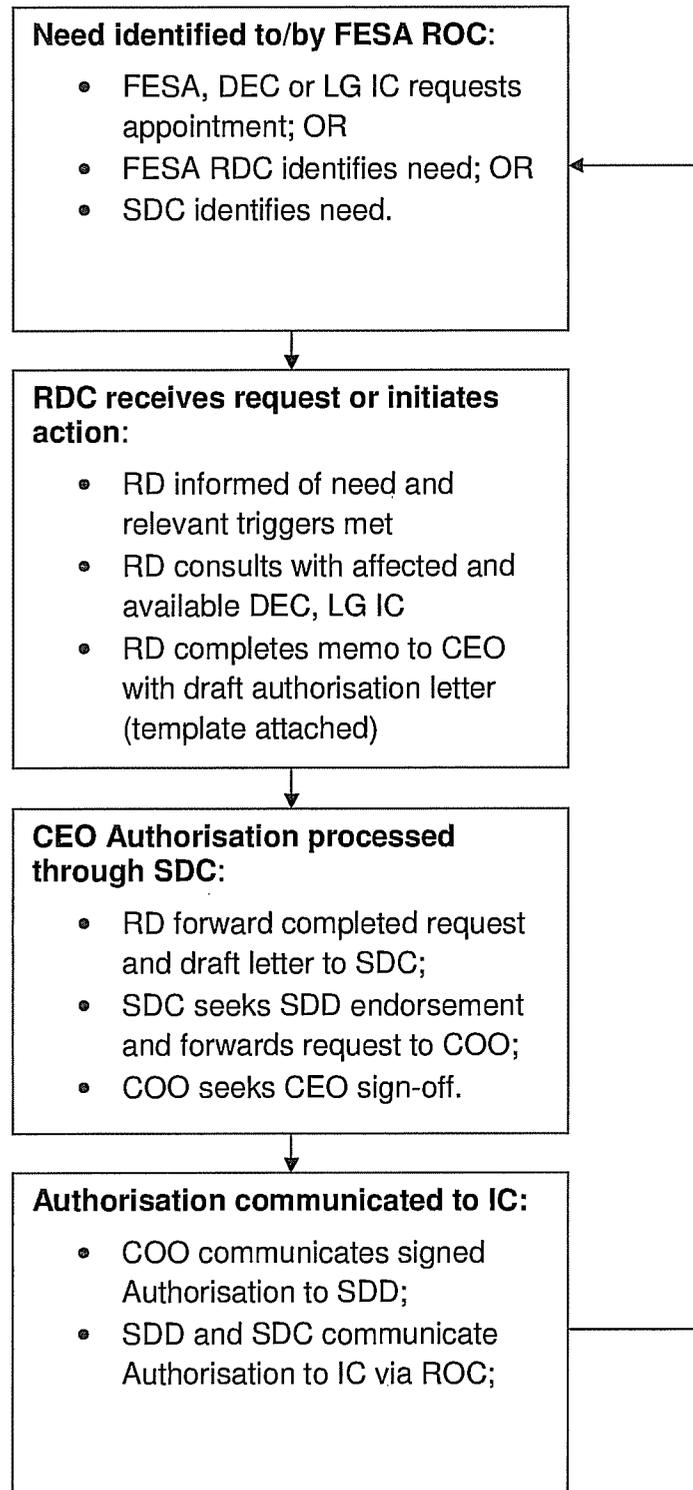
(Signature) _____

This document is to be sent to the FESA COMCEN via radio, phone or fax 9323 9431 together with a FESA AIIMS Form 1 at the earliest opportunity. A copy of this document is to be retained by the Incident Management Team. All operational information and requests for additional resources or support will be progressed through the FESA Regional Operations Centre.

FESA COMCEN is to be advised immediately if a transfer of control is requested but not accepted by the agency indicated at (1) above. Item (3) is still required to be completed in this instance.

6.5. Appendix E – Section 13 BF Act Appointment

Section 13 (BF Act) Appointment of Authorised Person – Process



Cancellation of Appointment

Need to Cancel identified to/by FESA ROC and actioned:

- IC hands incident to Recovery agency and requests appointment cancellation
- RD confirms cancellation and drafts cancellation letter
- Cancellation correspondence forwarded through SDC for COO endorsement and CEO sign-off.
- RDC and IC advised of cancellation by SDC.

NOTE:

More than one person can be appointed under section 13, provided that the Duration column specifies the time and circumstances of appointment and ***there is no overlap.***

The FESA State Hazards Operations Officer (SHOO) will supervise the administration of the above process, including maintenance of records.



Internal Memorandum

TO: *Name of Officer* FESA Chief Executive Officer
VIA: *Name of Officer* FESA Chief Operations Officer

VIA: *Name of Officer* FESA State Duty Coordinator

FROM: *Name of Officer* FESA Regional Director, *Name of Region*
SUBJECT: **BUSH FIRES ACT 1954 – SECTION 13(4) or 13(5)**
APPOINTMENT OF BUSH FIRE LIAISON OFFICER/PERSON
TO TAKE CONTROL OF FIRE

DATE: DATE

RESPONSE REQUIRED GENERAL INFORMATION ONLY

I forward for your consideration, approval and signing a request for the appointment of Authorised person(s) under section 13(4) or 13(5) of the *Bush Fires Act 1954*.

BACKGROUND

Bush Fires Act S. 13 states;

- (4) If a bush fire is burning in the district of a local government on land other than conservation land, the Authority may, in writing, authorise a bush fire liaison officer or another person to take control of all operations in relation to that fire —
- (a) at the request of the local government; or
 - (b) if, because of the nature or extent of the bush fire, the Authority considers that it is appropriate to do so.
- (6) If, under subsection (4), a bush fire liaison officer or another person (an **authorised person**) is authorised to take control of all operations in relation to a fire, all —
- (a) bush fire control officers; and
 - (b) bush fire liaison officers; and
 - (c) authorised CALM Act officers; and
 - (d) officers and members of a bush fire brigade,

who are present at the fire are in all respects subject to, and are to act under, the authorised person's orders and directions.

(7) If a person other than a bush fire liaison officer is authorised under subsection (4) or (5), the person is to be taken to be a bush fire liaison officer during the period that the authorisation has effect.

Bushfires/a bushfire burning in the locality/ies of [locality name/s] and affecting the [local government/DEC estate/FESA Fire District/s] are/is assessed by me as having met the following triggers for a Section 13 appointment:

Westplan Bushfire Trigger	[bushfire/s name/s]
There is not a clear plan or objectives established within 4 hours and the fire is continuing to burn uncontrolled;	
An urban settlement is in direct path of the fire	
The incident controller believes the fire is not likely to be contained using existing/available resources;	
A request to FESA for out of DEC or FESA Region assistance is received;	
The fire weather at the incident is Severe or above.	

RECOMMENDATION

Once approved please sign the attached letter where indicated.

Officers Signature
Officers Name
 REGIONAL DIRECTOR
 NAME OF REGION

[date]

[full name(s), designation(s)/rank(s), address]

SECTION 13 BUSH FIRES ACT AUTHORISATION

Pursuant to section 13 of the Bush Fires Act 1954, the following individual(s) are appointed as Authorised Person(s) to take control of all operations in relation to the bushfire burning in [insert locality description] within the local government(s) of [insert local governments] commencing at the time(s) and date(s) indicated, until revoked.

Full Name	Agency, Position / Rank	Duration

FESA CHIEF EXECUTIVE OFFICER

[signed, date/time]

6.6. Appendix F – Operational Priorities

- The safety of personnel tasked to the incident will be the first priority in all phases of incident management.
- A second priority for Incident Action Planning will address the protection of community members and keeping them informed.
- The protection of critical infrastructure and community assets will be a third priority.
- Protection of conservation and environmental values are to be factored into Incident Action Plans as a fourth priority.
- Aggressive first attack on new outbreaks and development of alternative strategies in the event of first attack failing will be addressed as a fifth priority.
- Incident Management Teams should seek out, and incorporate to the maximum feasible extent, all relevant local knowledge.
- Strong leadership by the IC in developing, communicating and resourcing an effective IAP is the key to success.

6.7. Appendix G – Public Information System

FESA's Public Information System

FESA's Public Information Operational Plan (PIOP) is designed to provide a framework for FESA's communication to the community, media and other stakeholders in a timely, consistent and accurate way during a bushfire emergency.

The PIOP addresses the operational, resourcing and strategic considerations which could arise during an emergency. It takes into account internal and external stakeholders and includes media liaison, internal communication and public information alerts. Hazard specific public information requirements are included in the PIOP.

(1) Approval of Information

During an emergency, information is gathered from the Incident Controller and distributed by FESA's Media and Public Affairs (MPA) team. FESA only comments on matters within its jurisdiction and all information is approved prior to release.

Public information talking points about the bushfire response will be completed by the FESA Media Liaison Officer (MLO) or Public Information Officer (PIO), and approved by the Incident Controller or delegate. These talking points are used to complete existing authorised media alert templates which are then distributed.

Where strategic or policy information is added to the talking points it must be approved by the relevant FESA ROC or FESA's State Operations Centre (SOC).

(2) Consistency of Information

FESA uses core information from the incident scene to inform all of its communication to various stakeholders. This core information is documented and authorised on a bushfire talking points template that uses a common alerting protocols (CAP) approach. Each talking points template includes preapproved key messages.

Information captured on the talking points is then used to complete preapproved media alert templates with fields to include or delete depending on the specific circumstances. The use of the template system means the Incident Controller only needs to approve one document - the talking points.

(3) Delivery Methods

After the Incident Controller has approved information, it will be distributed by the MPA team using some or all of the following:

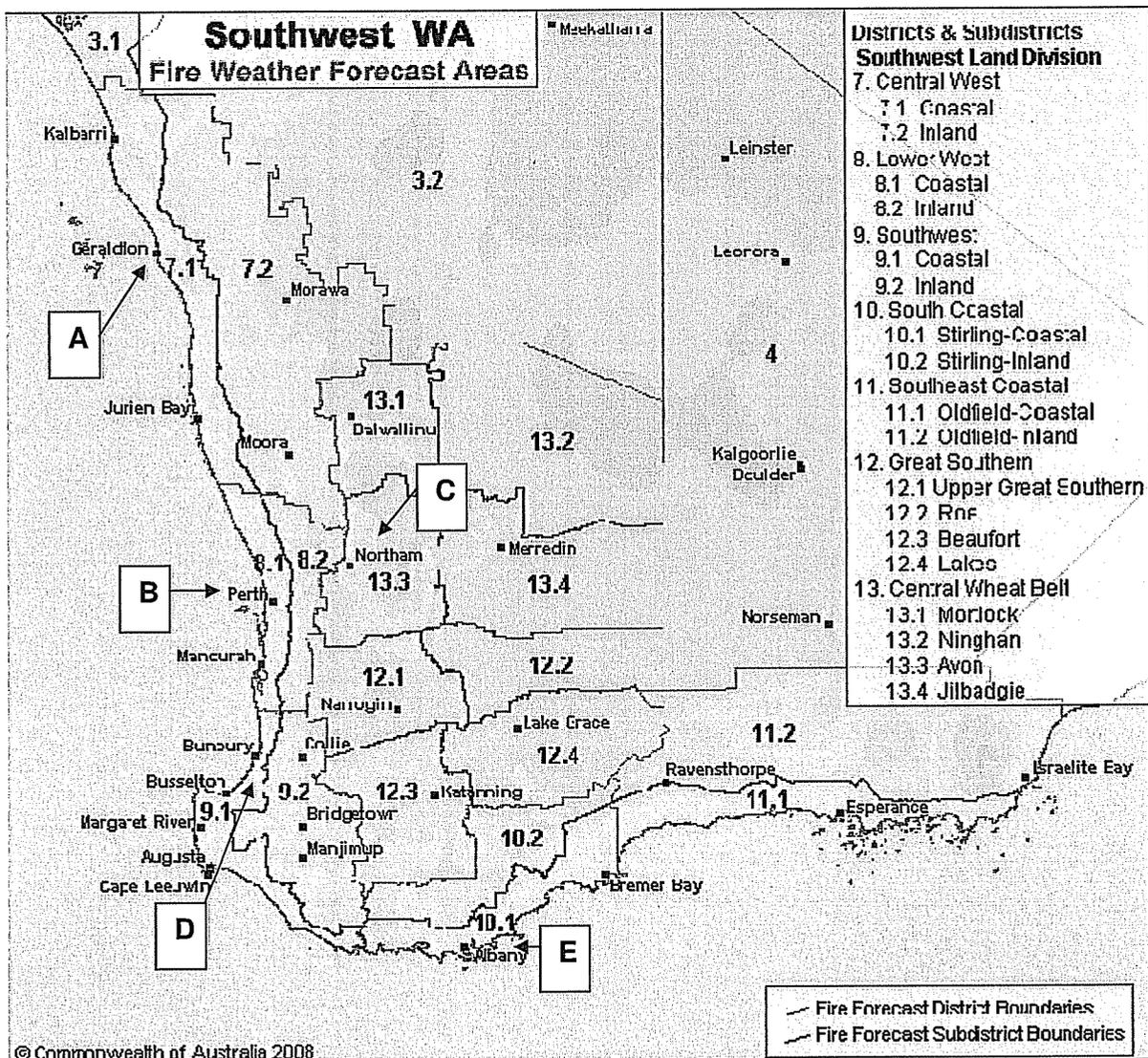
- Media and Web Alerts - Media alert templates are filled in using the talking points provided from the field. This information is sent to all media outlets and posted to the Alerts page of the FESA website which can be linked via RSS feed.
- Emergency Broadcasts - ABC radio broadcasts emergency information at quarter to and quarter past the hour, during a major emergency where there is imminent danger they will break into programming. FESA endeavours, through the MLO, to provide a very brief interview at ten minutes past the hour to lead into the quarter past update. Alerts provided by FESA are read out word for word.
- FESA Information Line – 1300 657 209 - Telephone line that public can call then listen to recorded information about an emergency incident. This will be updated as soon as new information is available and/or at regular intervals.
- FESA Call Centre - FESA staff/volunteer call takers answer telephone queries from the public. (When this number is not staffed, it is diverted to the Information Line.)
- TV Crawler - TV crawlers will be used for major emergencies only.
- StateAlert - StateAlert delivers critical public information to people in a specific location who are facing an imminent threat. It utilises the public (telephone) network and can only be authorised by the State Duty Director or delegate.
- Media Releases - General information about an incident prepared for the media and placed on the FESA website news page and sent to all media outlets. It shall be updated and disseminated regularly to satisfy mainstream media requirements, usually morning and afternoon, or as required.
- Public Information Teleconference - This is an opt-in service for media and public affairs decision makers in other combat and support agencies. A teleconference may be offered at least daily for 48 hours to keep other responders and incident participants up to date about communications activities and identify emerging issues.

6.8. Appendix H – Operational Preparedness Matrix

State and Regional Operational Preparedness

Preparedness for potential bushfire incidents is a key strategy to ensure agencies are well positioned to meet incident demands in a timely and effective fashion. Aligning inter-agency operational personnel and resources to forecast fire weather conditions will ensure the risks are met by proactively scaling arrangements to meet the probable need.

These arrangements apply to all-agency personnel and resources across five broad risk areas in the South West Land Division, based on the Fire Weather Districts of Central West, Lower West, Central Wheatbelt, South West and South Coastal, as follows:



Teams A through E are aligned with the five Fire Weather Districts described earlier, and the logical regional centres, viz, Geraldton, Perth, Northam, Bunbury and Albany. FESA Regional Duty Coordinators will liaise with their respective DEC Duty officers to ensure arrangements across the five areas are in place in accordance with the following Operational Preparedness Matrix

Operational Preparedness Matrix – Bushfire Season

This matrix applies to multi-agency arrangements in addition to normal day-to-day arrangements agencies have in place to meet the risk of bushfire

FDR →	Low-Moderate	High	Severe	Extreme	Catastrophic
Criteria for application of arrangements below			Extreme Fire Danger Rating (FDR) forecast for the regionally selected BoM forecast sub district or Severe FDR forecast for 2 regionally selected subdistricts and a risk assessment conducted on the forecast area by the Regional Duty Coordinator (RDC ⁹)	Catastrophic FDR forecast for the regionally selected BoM forecast sub district and a risk assessment conducted on the forecast area by the RDC.	
Initial response	As per normal FESA, DEC and LG response.		Additional response as determined by RDC and recorded on FESA Computer Aided Despatch (FCAD) FDR ¹⁰ DEC – normal graduated response.	Additional response as determined by RDC and recorded on FCAD FDR	
Incident Control Centres	Incident Control Centre (ICC) sites identified and equipped.		ICCs for affected areas identified and placed on standby for potential use.	ICCs at pre-determined locations to be in a state of readiness to meet potential Incident Management Team (IMT) needs immediately.	
Incident Management	Pool of IMT personnel to fulfil L2 and L3 IMTs identified. FESA Major Emergency Teams (MET) schedule and DEC rostered L 3 Pre-formed Team maintained.		Personnel allocated to specific roles in L2 pre-formed IMTs available and able to respond. FESA MET and DEC L3 Pre-formed Team maintained.	Multiagency L2 pre-formed IMTs and L3 Incident Controller (IC) prepared, equipped and available to respond within affected areas by 1000 hours as directed by State Duty Director (SDD ¹¹) or State Operations Controller. FESA MET and DEC L3 Preformed Teams reviewed to ensure availability.	

⁹ Where RDC appears, the requirement to confer with the DEC Duty Officer is implied.

¹⁰ FCAD FDR is a feature of the FESA dispatch system that allows for instructions concerning notifications and/or mobilisation to be conveyed based on the forecast FDR of the day for any district.

¹¹ Where SDD appears, the requirement to confer with the DEC State Duty Director is implied.

FDR →	Low-Moderate	High		Severe	Extreme	Catastrophic
Regional Operations Centre (ROC)	<p>ROC facility prepared for immediate use. RDC and on-call person rostered. Contact with DEC Duty Officer made and maintained. DEC Officer equipped and available to attend.</p>			<p>ROC on standby with RDC, on-call officer and support staff. Additional staff rostered as required. DEC Duty Officer available and equipped for attendance. DEC Officer equipped and available to attend.</p>		<p>ROC on standby with full complement of staff by 1000 hours. Additional staff rostered. DEC Duty Officer at ROC as required or as determined by SDD.</p>
State Operations Centre (SOC)	<p>SOC facility prepared for immediate use. SDD and On-call person rostered. Contact with DEC State Duty Officer made and maintained.</p>			<p>SOC on standby with SDD, On-call officer and support staff. Additional staff rostered as required. DEC State Duty available and equipped for attendance.</p>		<p>SOC on standby with complement of staff as determined by SDD. Additional staff rostered. DEC State Duty Officer at SOC as determined by SDD. FESA Fire Danger Rating Liaison Group assembled.</p>
Aircraft	Available on request			Forward locating of resources to be considered by SDD.		Risk assessment to be conducted by SDD to determine forward locations.

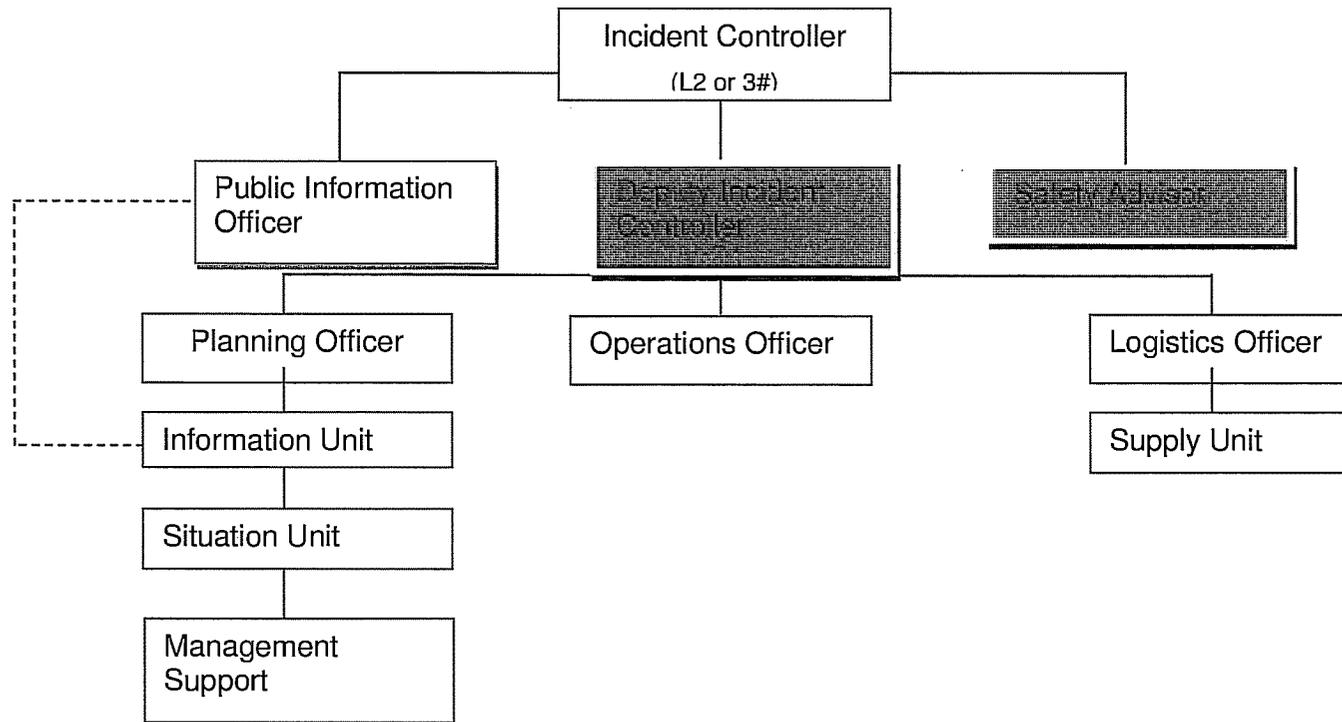
FDR →	Low-Moderate	High		Severe	Extreme	Catastrophic
Aircraft Management	State Duty Aircraft Coordinator (SDAC ¹²) available oncall			SDAC available oncall		Attend at aircraft forward locations
Public Information/ Media	Public Information handled at local level. Agency Media and Public Information resources available.			Public Information Officer role included in preformed IMT. Media Liaison Officer available on roster.		PIO prepared, equipped and available to respond within affected areas by 1000 hours as directed by State Duty Director (SDD ¹³) or State Operations Controller. Media Liaison Officer available for immediate response.
FESA Information Line	Recorded messages available.			Recorded messages available and updated hourly.		Recorded messages available including provision of phone number for public to speak to a person. Information line is manned by call takers. Information updated every 30minutes.

¹² Where SDAC appears, the requirement to confer with DEC equivalent is implied.

¹³ Where SDD appears, the requirement to confer with the DEC State Duty Director is implied.

FDR →	Low-Moderate	High		Severe	Extreme	Catastrophic
FESA Communications Centre	Normal summer staffing			Normal summer staffing		Minimum of two additional staff on duty.
Logistics	Contract bulk water, earthmoving, welfare, incident support/supplies identified and detailed in local and regional plans.			Contractors for key supplies contacted and warned of possible need.		Contractors placed on standby as required by RDC and SDD
Emergency Management	Local and District EM arrangements up-to-date and confirmed.			Combat and Support agencies warned of likely need to participate in OASG/ ISG.		Combat and Support agencies placed on standby for ISG /OASG attendance.

LEVEL 2 PRE-FORMED IMT (MULTI AGENCY)



A L2 IC may be selected for this role, though a L3 must be in place on those days forecast as Catastrophic. Shaded positions optional for L2, however are mandatory at L3.

APPENDIX B

INTERAGENCY BUSHFIRE MANAGEMENT COMMITTEE

OVERVIEW

The Interagency Bushfire Management Committee (IBMC) was established upon the direction of the Minister for Emergency Services and held its inaugural meeting on 3 February 2010. The committee is based on the successful formula operating prior to the formation of the Fire and Emergency Services Authority (FESA) with an Executive Group overseeing and working with a number of sub-committees to improve, information sharing, coordination and collaboration amongst agencies.

The functions of the Committee are to:

- Provide a mechanism to ensure that the fire agencies operate under consistent policies, plans and procedures;
- Examine opportunities and initiatives to improve interagency cooperation and interaction including resourcing, training and technology, and
- Examine opportunities for 'whole of government' efficiencies and collaboration in bushfire management.

The matters arising out of the Victorian Bushfires Royal Commission along with key State legislative amendments that included the transfer of control of a bushfire between agencies and the ability for FESA to assume control of major fires identified the requirement for clear guidelines and coordinated arrangements. A primary purpose of the Committee will be to develop appropriate policy to enable seamless coordination, control and command procedures in dealing with the management of major fires.

The Committee is chaired by FESA and representation includes FESA, the Department of Environment and Conservation (DEC), Western Australia Local Government Association (WALGA) and the Bush Fire Service Consultative Committee (BFS CC).

Currently, the following sub-committees have been established to support the work of the IBMC in five primary streams:

- The Bush Fire Research Sub-Committee
- The Fire Operations Sub-Committee
- The Fuel Load Management Sub-Committee
- The Training Sub-Committee
- The Aerial Fire Suppression Sub-Committee

Further sub-committees are also under consideration.

It is the intention to review the activities, membership and functions of the Committee one year after its establishment and every three years thereafter.



Internal Memorandum

TO: *Name of Officer* FESA Chief Executive Officer

VIA: *Name of Officer* FESA Chief Operations Officer

VIA: *Name of Officer* FESA State Duty Coordinator

FROM: *Name of Officer* FESA Regional Director, *Name of Region*

SUBJECT: **BUSH FIRES ACT 1954 – SECTION 13(4) or 13(5)**
APPOINTMENT OF BUSH FIRE LIAISON OFFICER/PERSON
TO TAKE CONTROL OF FIRE

DATE: DATE

RESPONSE REQUIRED GENERAL INFORMATION ONLY

I forward for your consideration, approval and signing a request for the appointment of Authorised person(s) under section 13(4) or 13(5) of the *Bush Fires Act 1954*.

BACKGROUND

Bush Fires Act S. 13 states;

- (4) If a bush fire is burning in the district of a local government on land other than conservation land, the Authority may, in writing, authorise a bush fire liaison officer or another person to take control of all operations in relation to that fire —
- (a) at the request of the local government; or
 - (b) if, because of the nature or extent of the bush fire, the Authority considers that it is appropriate to do so.
- (6) If, under subsection (4), a bush fire liaison officer or another person (an **authorised person**) is authorised to take control of all operations in relation to a fire, all —
- (a) bush fire control officers; and
 - (b) bush fire liaison officers; and
 - (c) authorised CALM Act officers; and
 - (d) officers and members of a bush fire brigade,

who are present at the fire are in all respects subject to, and are to act under, the authorised person's orders and directions.

- (7) If a person other than a bush fire liaison officer is authorised under subsection (4) or (5), the person is to be taken to be a bush fire liaison officer during the period that the authorisation has effect.

Bushfires/a bushfire burning in the locality/ies of [locality name/s] and affecting the [local government/DEC estate/FESA Fire District/s] are/is assessed by me as having met the following triggers for a Section 13 appointment:

Westplan Bushfire Trigger	[bushfire/s name/s]
There is not a clear plan or objectives established within 4 hours and the fire is continuing to burn uncontrolled;	
An urban settlement is in direct path of the fire	
The incident controller believes the fire is not likely to be contained using existing/available resources;	
A request to FESA for out of DEC or FESA Region assistance is received;	
The fire weather at the incident is Severe or above.	

RECOMMENDATION

Once approved please sign the attached letter where indicated.

Officers Signature
Officers Name
 REGIONAL DIRECTOR
 NAME OF REGION

[date]

[full name(s), designation(s)/rank(s), address]

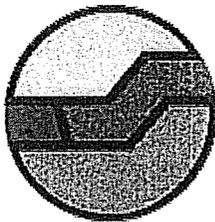
SECTION 13 BUSH FIRES ACT AUTHORISATION

Pursuant to section 13 of the Bush Fires Act 1954, the following individual(s) are appointed as Authorised Person(s) to take control of all operations in relation to the bushfire burning in [insert locality description] within the local government(s) of [insert local governments] commencing at the time(s) and date(s) indicated, until revoked.

Full Name	Agency, Position / Rank	Duration

FESA CHIEF EXECUTIVE OFFICER

[signed, date/time]



Department for Planning and
Infrastructure

MEMORANDUM OF UNDERSTANDING

between the

**DEPARTMENT OF CONSERVATION AND LAND
MANAGEMENT**

and the

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE

in relation to

The Administration And Management

of

**Unallocated Crown Land And Unmanaged Reserves
Outside The Metropolitan Area, Regional Centres And
Townsites**

September 2004

MEMORANDUM OF UNDERSTANDING

ADMINISTRATION AND MANAGEMENT OF CROWN LANDS

1. Parties

The Department for Planning and Infrastructure (DPI), "Albert Facey House", 469 Wellington Street, PERTH WA 6000;

and

The Department of Conservation and Land Management (CALM), 17 Dick Perry Avenue, KENSINGTON WA 6151.

2. Purpose of Memorandum of Understanding (MOU)

To establish an 'agreement' between the parties for the administration and management of non-metropolitan; non-townsite unallocated Crown land (UCL) and unmanaged reserves (UMRs). In particular it:

- defines what funded management functions and responsibilities will be undertaken by CALM; and
- for each agreed management function defines the administrative services provided by DPI.

3. Agreement

This MOU covers those agreed administrative and management activities on UCL and UMRs which are to be undertaken by CALM, to the extent they have been funded by the State Government of Western Australia. The management of UCL and UMRs by CALM, beyond the functions, roles and responsibilities envisaged by the Functional Review Taskforce will only be considered (i) provided they are consistent with CALM's core business as a manager of natural lands and of biodiversity, and (ii) provided that appropriate levels of resources are made available to ensure base levels of management of these lands are achieved.

4. Definitions

"CALM" means the Department for Conservation and Land Management.

"CALM Act" means the *Conservation and Land Management Act 1984*.

"DLI" means the Department of Land Information.

"DoIR" means the Department of Industry and Resources

"DPI" means the Department for Planning and Infrastructure.

“**interest**” has the meaning given by section 3 of the *Land Administration Act 1997*.

“**LAA**” means the *Land Administration Act 1997*.

“**metropolitan area**” means the Perth metropolitan region, as defined by section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*.

“**parties**” means DPI and CALM when jointly referred to.

“**regional centres**” means cities (within the meaning given by section 2.4 of the *Local Government Act 1995*) outside of the metropolitan area.

“**townsites**” means townsites (within the meaning of section 26 of the *Land Administration Act 1997*), outside of the metropolitan area and regional centres.

“**unallocated Crown land**” means Crown land -

- (a) in which no interest is known to exist, but in which native title within the meaning of the *Native Title Act 1993* of the Commonwealth may or may not exist; and
- (b) which is not reserved, declared or otherwise dedicated under this Act or any other written law.

“**unexploded ordnance**” means bombs and shells used by the armed forces in military, naval and aerial bombardment exercises and which have not exploded on impact and remain in a potentially dangerous condition.

“**unmanaged reserve**” means the care, control and management of a reserve, whether under section 46 of the *Land Administration Act 1997*, or management arrangements under another Act.

5. Background

Approximately 93 per cent of Western Australia’s area of 2,527,600 square kilometres is Crown land. Substantial parts of this land are pastoral leases (37%), reserves or leases set aside for indigenous communities (8%), and lands vested in the Conservation Commission of Western Australia and managed by CALM (9%¹) for the purpose of parks, forests and reserves. The remaining area of Crown land of 39 per cent (890,000 square kilometres) is assigned as UCL and as UMRs. The indicative distribution of non-metropolitan, non-townsite UCL and UMRs in Western Australia is shown in Attachment 1.

Up to the 30 June 2003, the Department of Land Administration (DOLA) provided limited on-ground management of these lands through fire prevention services provided by the Fire and Emergency Services Authority (FESA), and declared weed and animal control services provided by the Department of Agriculture (DAWA). In January 2003 Cabinet approved the Functional Review Taskforce’s recommendation that *the on-ground management of non-metropolitan, non-townsite Crown land be transferred from DOLA to CALM* (Attachment 2). All funding for the management of UCL and UMRs was transferred from DPI’s 2003/04 budget to CALM’s 2003/04 budget with effect from 01 July 2003.

¹ Includes public freehold land (2%) in the name of the Executive Director of the Department of Conservation and Land Management

6. Powers

- (a) The *Conservation and Land Management Act 1984* (CALM Act) at section 33(2) enables the management responsibility for UCL and UMRs to be placed with CALM. The CALM Act at Section 34 empowers CALM's Executive Director to do all things necessary or convenient to be done for, or in connection with, the performance of the functions of the Department.
- (b) The *Land Administration Act 1997* (LAA) is the State's primary legislation for administration and disposition of Crown land. The Minister for Lands is authorised to act on behalf of the State of Western Australia in administering the Crown estate. This 'agreement' is not made under a specific provision of the LAA, but is pursuant to the general powers and responsibilities of the Minister in accordance with a Cabinet decision with respect to management of land, which is the subject of the Act (Attachment 3).

Other legislation referred to in this 'agreement' includes the following. A brief description is given for each Act, but these are not intended to be definitive.

- the *Bush Fires Act 1954* contains provisions for fire prevention and fire suppression on UCL and UMRs, the latter being the responsibility of bushfire brigades and local authorities;
- the *Wildlife Conservation Act 1950* provides the necessary powers for the conservation and protection of fauna (s14-19) and flora (s23A-26) as defined in section 3 of the Act throughout the whole of the State and at all times;
- the *Sandalwood Act 1929* (read as one with the CALM Act) contains provisions relating to the pulling or removal of sandalwood on both Crown land and alienated land, except where the sandalwood is growing in a plantation on alienated land;
- the *Agriculture and Related Resources Protection Act 1976* contains provisions relating to the control of declared plants and animals on and in relation to public land under control and management;
- the *Native Title Act 1993* in general terms provides for the claiming and determination of native title rights and interests in land, and affords certain procedural rights to registered native title claimants;
- the *Aboriginal Heritage Act 1972* contains provisions relating to the protection of Indigenous Heritage; and
- the *Environmental Protection Act 1986* provides the basis for Western Australia's environmental protection policies and environmental impact assessments.

7. Function and objectives of the MOU

- (a) This MOU defines the Crown land administration functions that are the responsibility of DPI, and the management roles and responsibilities that are to be transferred to CALM.
- (b) This MOU acknowledges that:

- (i) in all other respects other than those roles and responsibilities referred to in this 'agreement' as transferred to DPI, responsibility for the administration and management of Crown land remains with the Minister for Lands, who has lawful responsibility for these functions under the LAA; and
 - (ii) the legal powers of the Minister for Lands cannot be fettered by the terms of this 'agreement'.
- (c) This MOU is contingent on an order being made the Governor under s.33(2) of the CALM Act.

8. Joint obligations of the parties

In the administration and management of UCL and UMRs, the parties:

- (a) will liaise in the development of policies and legislation that have a direct bearing on the management of UCL and UMRs;
- (b) will ensure that State Government and agencies' policies, objectives and strategies are met in relation to environmental, social and economic equity;
- (c) will work cooperatively to meet the agencies' designated land management roles and responsibilities contained in this 'agreement';
- (d) will work together on the joint development and signing of Cabinet Submissions by the agencies' respective Cabinet Ministers;
- (e) will meet their respective legal responsibilities in a manner consistent with terms and conditions of this 'agreement';
- (f) in consultation with and subject to agreement with the Department of Land Information (DLI) where appropriate, will collaborate on Crown land administration and management information needs, and will seek to develop and maintain compatible Crown land administration and management information systems;
- (g) will share information on budgets and expenditure for UCL and UMR administration and management; and
- (h) will collaborate on the preparation of reports to Government on the administration and management of UCL and UMRs.

9. Specific responsibilities and obligations of DPI

In the administration of UCL and UMRs, DPI:

- (a) is the 'Department principally assisting the Minister in the administration of this Act' as defined by s.3 of the LAA;
- (b) retains full responsibility for exercising powers under the LAA in relation to disposition of Crown land. Functions remaining with DPI are described in Attachment 3; and
- (c) will advise CALM of dispositions of UCL and UMR, to enable CALM to modify management activities.

10. Specific responsibilities and obligations of CALM

In the management of UCL and UMRs, CALM:

- (a) will manage fire and other agreed hazards, to the extent they are funded by the State Government of Western Australia by: (i) identifying hazards, (ii) allocating priorities that protect community and environmental values, and (iii) implementing activities that mitigate the impact of fire hazards;
- (b) will at the commencement of each financial year advise DPI which of the management functions referred to in Attachments 4 and 5 as CALM's responsibility, CALM will not perform due to funding limitations;
- (c) will participate in, and develop where appropriate, liaison structures with traditional owners, neighbours, community, local governments and Government agencies for the management of UCL and UMRs;
- (d) will maintain where practicable the historical commitments and relations with UCL and UMR neighbours;
- (e) will promote the conservation of biodiversity and the provision of sustainable multiple landuse benefits;
- (f) will comply with the procedural rights afforded registered native title claimants and endeavour to involve traditional owners in joint management activities;
- (g) will seek to ensure that fire prevention works are prioritised to cater for the protection needs of neighbours and local communities;
- (h) will integrate the management of UCL and UMRs with the management of other neighbouring Crown and freehold lands;
- (i) will recognise DPI's on-going administration and management responsibilities under the LAA outside the terms and conditions of this 'agreement'; and
- (j) will arrange for submission to the Governor of an order under s.33(2) of the CALM Act within two months of the date of execution of this 'agreement', to give legal effect to the objectives of this 'agreement'.

11. Management roles and agency responsibilities

- (a) The roles and agency responsibilities agreed by the parties for the administration and management of UCL and UMRs are summarised in Attachment 4.
- (b) The roles and agency responsibilities agreed in principle by the parties for the administration and management of UCL and UMRs, where the management component is not yet funded², are summarised in Attachment 5.

12. Liaison between the parties

- (a) The regional boundaries applied by the Land Administration Management Services Branch of DPI are shown in Attachment 6.

² Unfunded management functions on UCL and UMRs remain the responsibility of DPI

- (b) The regional boundaries applied by CALM are shown in Attachment 7.
- (c) Organisation structures for the administration (DPI) and management (CALM) of UCL and UMRs are shown in Attachment 8 and Attachment 9.
- (d) The principal contacts details for the administration and management of UCL and UMRs, respectively are summarised in Attachment 10 and Attachment 11.
- (e) The lines of communications between the parties and the levels for issue resolution and decision are summarised in Attachment 12.

13. Order under s.33(2) of the CALM Act

The parties will work together on developing the agreed wording of an order to be submitted to their respective Ministers and then to the Governor, providing for management of UCL and UMRs pursuant to s.33(2) of the CALM Act and in accordance with the terms and intent of this 'agreement'. The order will be submitted to the Governor within 2 months of the date of execution of this 'agreement', and aside from the commencing date, will be for a period of time corresponding to the term of the MOU. Where terms of the MOU are varied by agreement between the parties, or where a new MOU is negotiated, the parties will also collaborate in revising the wording of the order as appropriate, for re-submission to their respective Ministers and the Governor. Where the MOU is terminated, the parties will collaborate in preparing and submitting a revocation order.

14. Indemnity

In consideration of:

- (a) DPI providing land information (subject to agreement with DLI where appropriate) pursuant to this 'agreement'; and
- (b) the transfer of management of the UCL and UMRs in accordance with this 'agreement' to CALM:

CALM agrees to indemnify, and to keep indemnified, DPI and the Minister and the Crown and all officers of the Minister, the Crown, all Ministers of the Crown and all instrumentalities thereof, servants, workmen and contractors of any of them and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be brought, maintained, or made against all or anyone of them:

- (i) in respect of any death or injury sustained by any person including an officer, servant workman, agent or contractor of the Crown, the Minister, DPI or any Ministers of the Crown or of any instrumentality thereof;
- (ii) in respect of any loss (including loss of use) injury, or damage of or to any nature or kind of property:

to the extent that such loss, injury, death or damage is directly or indirectly caused by or arises out of, or in connection with:

- (iii) the management of UCL and UMR in accordance with this 'agreement' by CALM and its employees, agents, contractors, visitors and invitees;

(iv) the provision of land information by DPI; and

(v) any activities undertaken in reliance on the land information provided; and

to the extent the land information provided to CALM by DPI is derived from the most accurate, up-to-date, and relevant corporate data held by DPI and/or DLI; and

to the extent that any claim for such loss, injury, death or damage does not preclude the unfettered legal powers and responsibilities of the Minister for Lands under the LAA.

15. Governing Law and Jurisdiction

- (a) This 'agreement' is governed by and will be construed in accordance with the laws of Western Australia.
- (b) The parties acknowledge and agree that except for clause 14, which is legally binding and legally enforceable, this 'agreement' is not legally binding and is not legally enforceable.
- (c) The parties acknowledge that the MOU does not fetter the legal powers and responsibilities of the Minister for Lands under the LAA.
- (d) The parties acknowledge and agree that except for clause 14 they do not intend and will not enforce this 'agreement' in any court of law.

16. Dispute resolution

Each of the parties agrees to use its best efforts to resolve issues and disputes at the levels described in Attachment 12 and/or through mediation. When an unresolved dispute arises a Party will advise the other, and specify the nature and substance of the issue in dispute. The parties agree to expeditiously resolve the dispute through officer-level negotiation between appropriate officers and/or formal mediation involving key managers and Directors. If the dispute is not settled the Executive Director of CALM and the Director General of DPL, and/or the relevant Ministers will decide.

17. Variation and review

This MOU describes the 'agreement' between the parties for the administration and management of UCL and UMRs based on current knowledge. It will be reviewed in March each year, and may be varied at any time with the agreement of the Director General, DPI and the Executive Director, CALM, so as to accommodate new information and the need for adaptive management.

18. Commencement of MOU

This MOU will commence on the latest date on which it is signed by the parties under clause 21.

19. Term of and termination

This MOU will continue for a term of five (5) years from the Date of Commencement, subject to clauses 17 and 20. Nothing in this 'agreement' will affect the rights of either party to terminate this 'agreement' upon giving the other party thirty (30) days notice in writing.

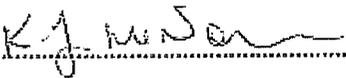
20. Renewal and holding over

If the parties agree, the MOU may remain in place for further review periods of 5 years each, or until terminated by agreement between the parties.

Where negotiations are still in course between the parties towards a revised or new MOU at the time this 'agreement' expires, the MOU will continue in force until replaced or renewed, unless either party specifies otherwise.

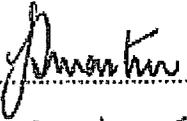
21. Execution

Signed by
Keiran McNamara
Executive Director
DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

..... 

Date: 20 August 2004

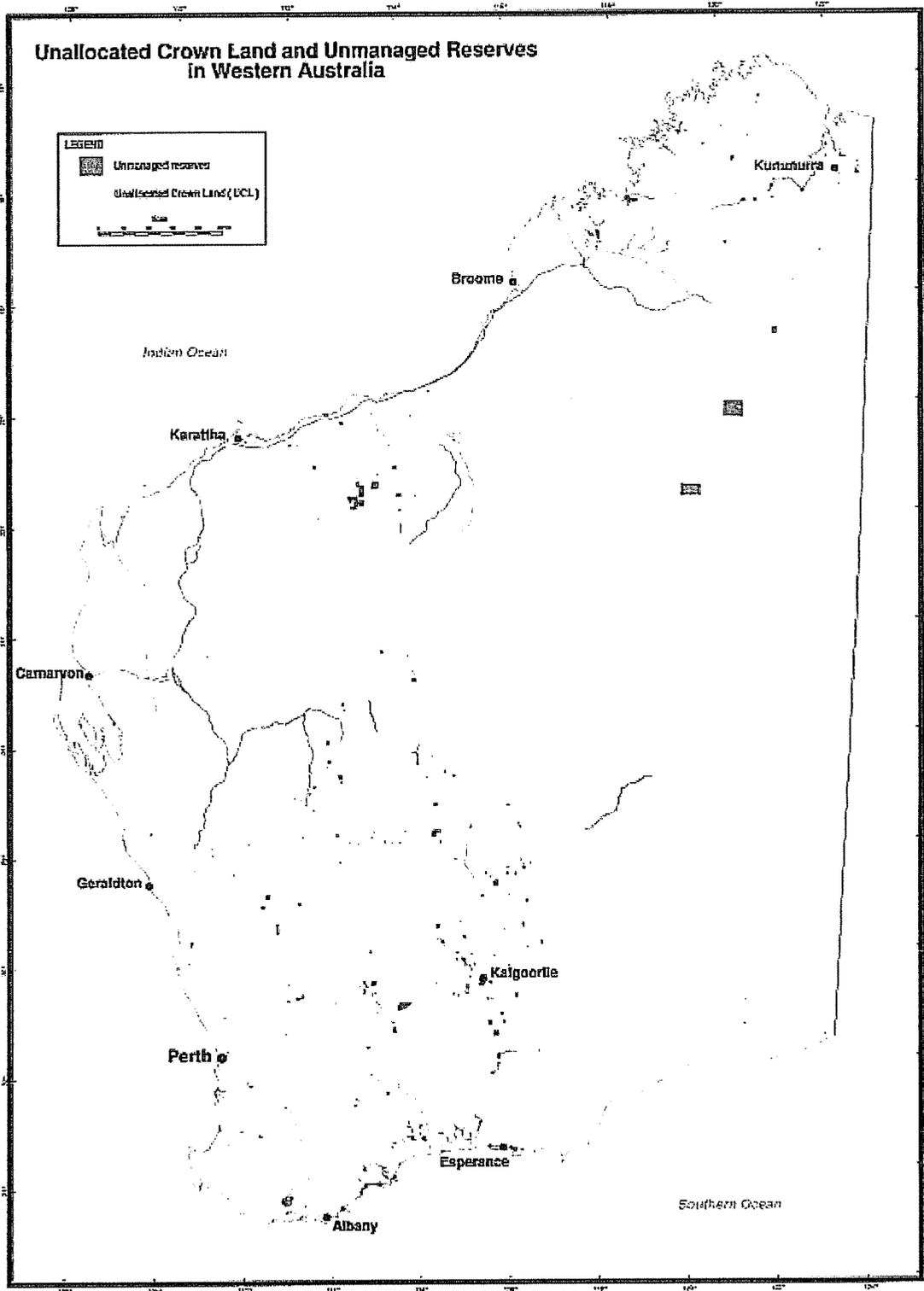
Signed by
Greg Martin
Director General
DEPARTMENT FOR PLANNING AND INFRASTRUCTURE

..... 

Date: 8 September 2004

ATTACHMENT 1

INDICATIVE MAP OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES
IN WESTERN AUSTRALIA



FUNCTIONAL REVIEW TASKFORCE'S RECOMMENDATION THAT THE ON-GROUND MANAGEMENT OF NON-METROPOLITAN, NON-TOWNSITE CROWN LAND BE TRANSFERRED FROM DOLA TO CALM

CABINET IN CONFIDENCE

APPENDIX 2

8.8. Minister for the Environment and Heritage

8.8.1. DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT (CALM)

8.8.1.1. Management of the Crown Estate

The Crown estate comprises 93 per cent of land in WA. The Department of Land Administration (DOLA) is currently responsible for managing more than one third of this land (unallocated Crown land and unvested reserves), and has responsibility for administrative matters to do with the entire estate. It is proposed to transfer this function to the Department of Planning and Infrastructure (DPI) when DOLA is restructured.

Other entities such as local government authorities manage Crown land vested in them and the Department of Agriculture provide inspections and advice on matters relating to pastoral lands. CALM manage the conservation reserve system, including some 9 per cent of the State's land area.

DOLA currently undertake only limited management of Crown land which can result in degradation of the land and biodiversity caused by a range of factors such as fires, feral animals, weeds and uncontrolled tourism.

There are currently two staff directly involved in undertaking land inspections, supplemented by other staff as required, at an estimated cost of \$0.35m. DOLA has also entered into agreements with other agencies such as CALM, Fire and Emergency Services Authority (fire and hazard control) and the Department of Agriculture (weed and vermin control) to assist in the management of this land. The cost of these contracts for 2002/03 is \$1.30m in total.

A proposal is also currently being considered for additional funds for managing fire risks on Crown land, as the current allocation is not considered sufficient to provide the necessary services. An amount of \$1.83m is being considered for 2003/04.

The Taskforce recommends that the on-ground management of non-metropolitan, non-townsite Crown land be transferred from DOLA to CALM. Under the *Conservation and Land Management Act 1984*, the Department has the statutory capacity to manage other land that may be vested in it by the Governor on the recommendation of the Minister. This does not preclude that the management control of this land could be changed from CALM if the land is required for other purposes in the future.

The transfer of this function would result in efficiency gains as well as improved effectiveness of the management of Crown land due to:

- CALM's substantial regional structure and on ground management presence, with around 800 FTEs being located in various areas of the State. The Department also has a close working relationship with the local Bush Fire Brigades in country locations.

FUNCTIONAL REVIEW TASKFORCE'S RECOMMENDATION THAT THE ON-GROUND MANAGEMENT OF NON-METROPOLITAN, NON-TOWNSITE CROWN LAND BE TRANSFERRED FROM DOLA TO CALM

CABINET IN CONFIDENCE

- The activities undertaken in managing this land (eg managing fire, pests, uncontrolled access, lease management) by DOLA are the same as those undertaken by CALM.

The transfer of this function will require DOLA's budget appropriation to be reduced by an estimated \$1.65m and a corresponding increase in CALM's budget, less \$0.7m for efficiency savings which CALM will find internally.

Recommendation 49:

- i) Responsibility for the on-ground management of non-metropolitan, non-townsite Crown land be transferred from DOLA to CALM.
- ii) This function should be transferred after existing and proposed arrangements are reviewed by CALM, DOLA, DPI and the Fire and Emergency Services Authority. This should include a review of the proposal to request additional funds for fire management.

Savings: \$0.7m pa

FUNCTIONS REMAINING WITH THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AS PROVIDED BY THE *LAND ADMINISTRATION ACT 1997* IN RELATION TO DISPOSITION OF CROWN LAND.

Policy, Legislation and Strategic

- Provision of advice to the Minister for Lands on Crown land matters.
- Provision of reports and information in relation to the Crown estate.
- Development of legislation, policies and strategies for the Crown estate.
- Obtaining or providing clarification on legal and policy issues bearing on the Crown estate.
- Developing and maintaining strategic relationships in relation to the Crown estate's administration.
- Maintenance of stakeholder consultation and customer relationships with respect to the Crown estate's administration.
- Ensuring provision of resources for administration of the Crown estate.

Lands Disposition and Acquisition

- Strategic projects initiation and coordination.
- Ensuring provision of Crown land services to the community, to acceptable standards.
- Evaluating Crown land for appropriate use or disposition.
- Planning for the use or disposition of Crown land.
- Considering proposals for use or disposition of Crown land, in consultation with relevant agencies.
- Complying with law and policy in relation to the Commonwealth *Native Title Act 1993* (NTA) with respect to the use and disposition of Crown land:
 - o determining whether action can proceed without reference to the NTA's future act regime;
 - o compulsory acquisition of native title rights and interests where necessary;
 - o determining whether an action can proceed under one of the varying NTA processes not requiring the compulsory acquisition of native title rights and interests;
 - o negotiating agreements and consulting with native title holders/claimants;
 - o notifying CALM of all pending and successful Native Title Claims and all issues related to Native Title.
- Acquiring interests in land from private ownership:
 - o for public works (Part 9 of the *Land Administration Act 1997* (LAA));
 - o native title interests (Part 9 of the LAA, and NTA generally);
 - o through revestment;
 - o through forfeiture;
 - o through surrender;
 - o associated negotiations, legal processes and compensation procedures.
- Arranging survey and preparation of graphics in relation to Crown land definition.
- Undertaking dispositions of Crown land, through:
 - o creating, amending or cancelling reserves and associated management orders;
 - o dedicating, deviating or closing roads;
 - o granting leases, licences, easements and other tenures;
 - o selling and transferring fee simples;
 - o assisting other agencies in their property disposal programs affecting Crown or acquired land;
 - o arranging planning approvals to dispositions of Crown land.
- Any associated functions in relation to conveyancing, enquiry, searching, and maintenance of land.

FUNCTIONS REMAINING WITH THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AS PROVIDED BY THE *LAND ADMINISTRATION ACT 1997* IN RELATION TO DISPOSITION OF CROWN LAND.

Lands Custodianship

- Lease management (lease compliance, accounting, correspondence).
- Inspections and heritage surveys.
- Property management (public works building maintenance, tenancy interactions) and direct management of leases (eg. abandoned or acquired pastoral leases).
- Managing existing pastoral and other leases, unmanaged reserves and unallocated Crown land to ensure existing uses, practices or proposed uses –
 - o protect community, heritage and conservation values in Crown land and DOLA-controlled buildings;
 - o preserve inter-generational equity in Crown land, and sustainable development of Crown land;
 - o balance competing community demands for access to use of, or presentation of, Crown land.
- Protection of the State's and the community's interests in the Crown estate (administrative level).

Lands Enforcement

- Protection of the State's and the community's interests in the Crown estate through enforcement of laws administered by the Minister for Planning and Infrastructure (as Minister for Lands) governing access to and use of Crown land (administrative level).
- To the extent that the Minister for Planning and Infrastructure must legally be involved, defending litigation in relation to damages arising and Crown land.

ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (FUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Fire prevention ³	<ul style="list-style-type: none"> • Refer requests for fire treatment of UCL/UMRs to CALM. • To the extent covered by its MOU with DLI, ensure CALM access to information systems and the provision of data, from DLI, pertinent to fire prevention planning and fire suppression. 	<ul style="list-style-type: none"> • Coordinate fire risk planning and the provision of risk management planning information. • Establish fire prevention priorities and allocate funds. • Approve FESA, local authority and contractor works programs for hazard management. • Implement strategic road construction and improvement projects where appropriate. • Implement fire prevention programs. • Set fire management standards and undertake performance monitoring. • Liaise with stakeholders and community groups in conjunction with FESA. • Develop communications and public participation processes.
Weed and animal control	<ul style="list-style-type: none"> • Refer requests for weed or animal control on UCL/UMRs to CALM • To the extent covered by its MOU with DLI, ensure the provision of relevant data to CALM from DLI pertinent to weed and animal control. 	<ul style="list-style-type: none"> • Liaise with DAWA, Zone Control Authorities and community groups on declared plant and animal control. • Coordinate and implement declared plant and animal control programs on UCL and UMRs on a good neighbour basis to the extent resources permit. • Approve declared plant and animal control programs for contractors and community groups and allocate funds. • Implement weed and pest animal control where impacting on biodiversity or conservation values to the extent resources permit. • Develop communications and public participation processes. • Develop policy and implement programs for weed and pest animal control on CALM managed lands.

³ Wildfire suppression remains the responsibility of the Fire and Emergency Services Authority and local governments.

ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (FUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Harvesting of flora and forest produce ⁴	<ul style="list-style-type: none"> • Work cooperatively with CALM to resolve on-going flora and forest produce harvesting issues. • Participate in the review of the MOU between DPI and CALM for the management of the flora industry on UCL and UMRs (1.10.03) 	<ul style="list-style-type: none"> • Manage the harvesting of flora and forest produce consistent with the MOU between DPI and CALM for the management of the flora industry on UCL and UMRs (1.10.03)

⁴ Forest Produce, except for the State forests and timber reserves described by the *Forest Management Plan 2004-2013*, is regarded as flora and managed according to the provisions of the *Wildlife Conservation Act 1950* on all categories of land within Western Australia. The CALM Act definition of forest produce applies to sandalwood. Extraction and enrichment programs are undertaken on UCL and UMRs by the Forest Products Commission under license issued by the Department of Conservation and Land Management according to the provisions of the *Sandalwood Act 1929* and the CALM Act.

ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Recreation management	<ul style="list-style-type: none"> • Policy and legislation development, in liaison with CALM. • To the extent covered by its MOU with DLI, ensure provision to CALM of relevant land information data from DLI for recreation management. • Participate in interagency working groups dealing with recreational access to Crown land. • In consultation with CALM, provide tenure (eg., licences, reserves, public access routes) to address issues of recreational access to Crown land. • With CALM, negotiate and execute MOUs or partnership agreements with relevant interest groups (eg. 'Leave No Trace') to harness community participation. 	<ul style="list-style-type: none"> • Manage and control access to the extent resources permit. • Design, construct and maintain recreation facilities and services, where appropriate. • Protect natural areas and biodiversity values from visitor use, dieback spread, wildfires, rubbish dumping and vandalism to the extent resources permit. • Develop contingency plans to limit the impact of natural disasters on recreation facilities. • Implement public access and recreation road construction and improvement projects where appropriate. • Monitor visitor numbers at specific locations. • Reduce the risks to visitors by risk management and mitigation actions. • Involve Aboriginal people in the planning and management of land and visitor services where appropriate. • Provide information to visitors on public use requirements and issues. • Liaison and development of recreation agreements (eg. 4x4 wheel drive groups). • Participate in interagency working groups dealing with recreational access to Crown land. • With DPI, negotiate and execute MOUs or partnership agreements with relevant interest groups (eg. Leave No Trace) to harness community participation.

ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Risk management of hazards including UXOs	<ul style="list-style-type: none"> • High level risk responsibilities. • Policy development in consultation with CALM. • Notification to CALM of risks. • With CALM maintenance of risk management plans. • With CALM, deal with insurance issues, and litigation arising from damages claims. • Liaison with CALM and relevant stakeholders (eg., FESA for UXO management) on strategic issues. 	<ul style="list-style-type: none"> • Hazard assessment and analysis. • Establish risk management priorities. • Hazard mitigation programs. • Seek funds for hazard mitigation. • With DPI, maintenance of risk management plans. • With DPI, deal with insurance and litigation arising from damages claims. • While the database remains a CALM responsibility, maintain the UXO database.
Management of special values	<ul style="list-style-type: none"> • Policy and legislation development, liaising with CALM Regional Managers. • Land administration responsibilities. • With CALM, participate in interagency working groups developing solutions for protection of special values (eg. fossils). 	<ul style="list-style-type: none"> • Manage significant biodiversity conservation, landscape, recreation, tourism, natural, Aboriginal and cultural heritage values jointly with Aboriginal people to the extent resources permit. • Manage natural heritage values in a regional context. • With DPI, participate in interagency working groups developing solutions for protection of special values (eg. paleo heritage).
Incidental commercial activities (ie. not subject to LAA tenure)	<ul style="list-style-type: none"> • Policy and legislation development, in liaison with CALM. • LAA tenure arrangements, where appropriate. • Appropriate authorisations, where CALM lack statutory power. • Referral of agreed proposals to CALM for action. 	<ul style="list-style-type: none"> • Manage approved commercial filming. • License and manage commercial tour operators to the extent the law permits. • Communicate with commercial tour operators on public use requirements and issues. • Monitor tour operators and impacts at specific locations. • Issue permits for apiary sites and wildflower and seed harvesting in accordance with the CALM Act and the <i>Wildlife Conservation Act 1950</i>, and the MOU between DPI and CALM for the management of the flora industry on UCL and UMRs (1.10.03).

**ATTACHMENT 5
(continued)**

ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Management of contaminated lands	<ul style="list-style-type: none"> Identify contaminated lands, set policy (with CALM and relevant authorities) and develop and implement a framework and program for identifying potentially contaminated lands, having regard for past land use and tenure, and agreement with Department of Environment (DoE) on appropriate priorities, sample testing and decisions on requirements for treatment. Treat particular sites to meet land administration objectives. Decide on land disposition (eg. grants of tenure, etc). To the extent covered by its MOU with DLI, provide any available relevant digital site information to CALM. 	<ul style="list-style-type: none"> Manage investigation and whole-of- government risk-based remediation processes, particularly on-ground liaison and supervision as requested by DPI and DoE. Liaise with DPI and relevant authorities in development of policies and strategies.
Control of trespass and illegal activities	<ul style="list-style-type: none"> Undertake Ministerial liaison, prepare correspondence with squatter shack owners implement processes for formal occupancy. Deal with policy and legislation issues (in consultation with CALM). Undertake delegations of ss.267 and 270 LAA powers. Liaise with CALM on actions to deal with identified problems. Undertake necessary legal action/prosecution. 	<ul style="list-style-type: none"> Manage inspections, liaison with shack owners, actions related to visits (burning-off, removal of rubbish), lease compliance information to DPI, shack removal and coordination where necessary with Police.
Rubbish clean-ups	<ul style="list-style-type: none"> Liaise with CALM on actions to deal with identified problems. Determine appropriate land disposition. To the extent covered by its MOU with DLI, provide CALM with any available relevant digital site information. 	<ul style="list-style-type: none"> Undertake clean-ups.
Scientific study	<ul style="list-style-type: none"> Where appropriate seek advice on research bona fides from CALM. Approve research applications and advise CALM of research activities. 	<ul style="list-style-type: none"> Liaise with bona fide researchers and monitor on-site activities.
Mining	<ul style="list-style-type: none"> Refer mining tenement application referrals from the Department of Industry and Resources (DoIR) to CALM as considered appropriate by DPI. 	<ul style="list-style-type: none"> Review procedures with DoIR to ensure appropriate conditions or referrals of proposals where impact may affect biodiversity and other land values of concern to CALM. Evaluate proposals as resources permit.

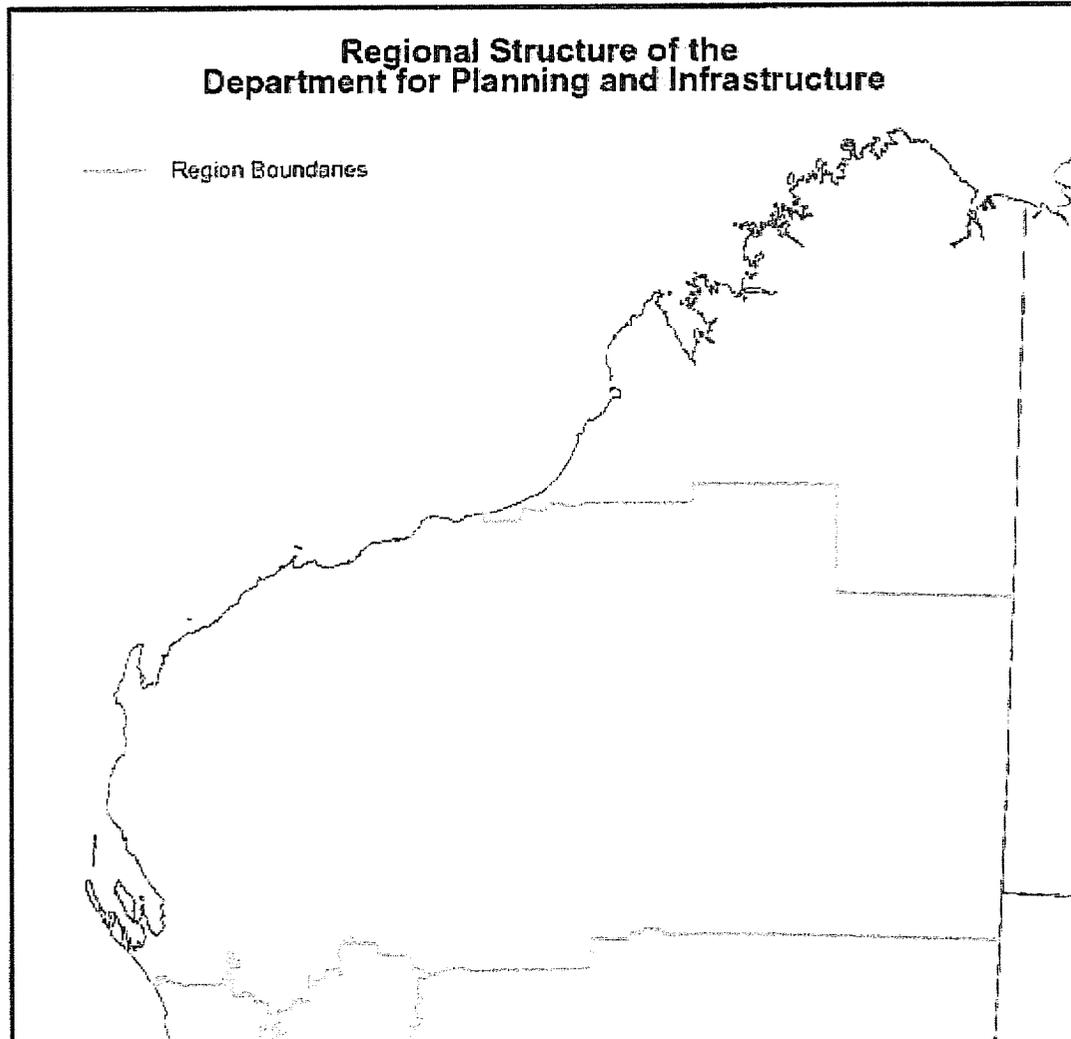
ROLES AND RESPONSIBILITIES FOR THE ADMINISTRATION AND (UNFUNDED) MANAGEMENT OF NON-METROPOLITAN; NON-TOWNSITE UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Role	DPI Administration Responsibilities	CALM Management Responsibilities
Volunteers	<ul style="list-style-type: none"> • Develop high-level risk management policies and assume legal responsibilities. • Liaise with CALM in developing partnership agreements, MOUs, etc. to harness community involvement in Crown land management. 	<ul style="list-style-type: none"> • Facilitate grant applications, and liaise with volunteer groups and management of site works. • Liaise with DPI in developing partnership agreements, MOUs, etc to harness community involvement in Crown land management.
Land Administration	<ul style="list-style-type: none"> • To the extent covered by its MOU with DLI, provide current land administration data to CALM. • Provide advice, in digital form, of the dispositions and use of UCL and UMRs. 	<ul style="list-style-type: none"> • Provide agreed land management services on identified tenure. • Modify land management strategies and operations based on the definition of the land management area.
Environmental assessments/ Development proposals	<ul style="list-style-type: none"> • Refer selected matters to CALM for field assessment. 	<ul style="list-style-type: none"> • Undertake field assessment where/when opportunities and resources permit.
CALM - acquired pastoral leases ⁵	<ul style="list-style-type: none"> • Participate with CALM in the development and maintenance of an MOU in relation to acquisition and management of pastoral leases for the conservation estate. 	<ul style="list-style-type: none"> • Participate with DPI in the development and maintenance of an MOU in relation to acquisition and management of pastoral leases for the conservation estate.

⁵ An MOU between CALM and DPI formalises arrangements for the interim holding of land purchased or transferred under pastoral lease title by CALM, to add to the conservation estate. In the absence of clearance for reservation under the NTA and agreement by the Department of Industry and Resources to interim reservation, the acquired land will become UCL subject to management services provided under section 33(1)(f) of the CALM Act or management placement managed by CALM under section 33 section 33(2) of the , CALM Act until it is reserved for conservation estate.

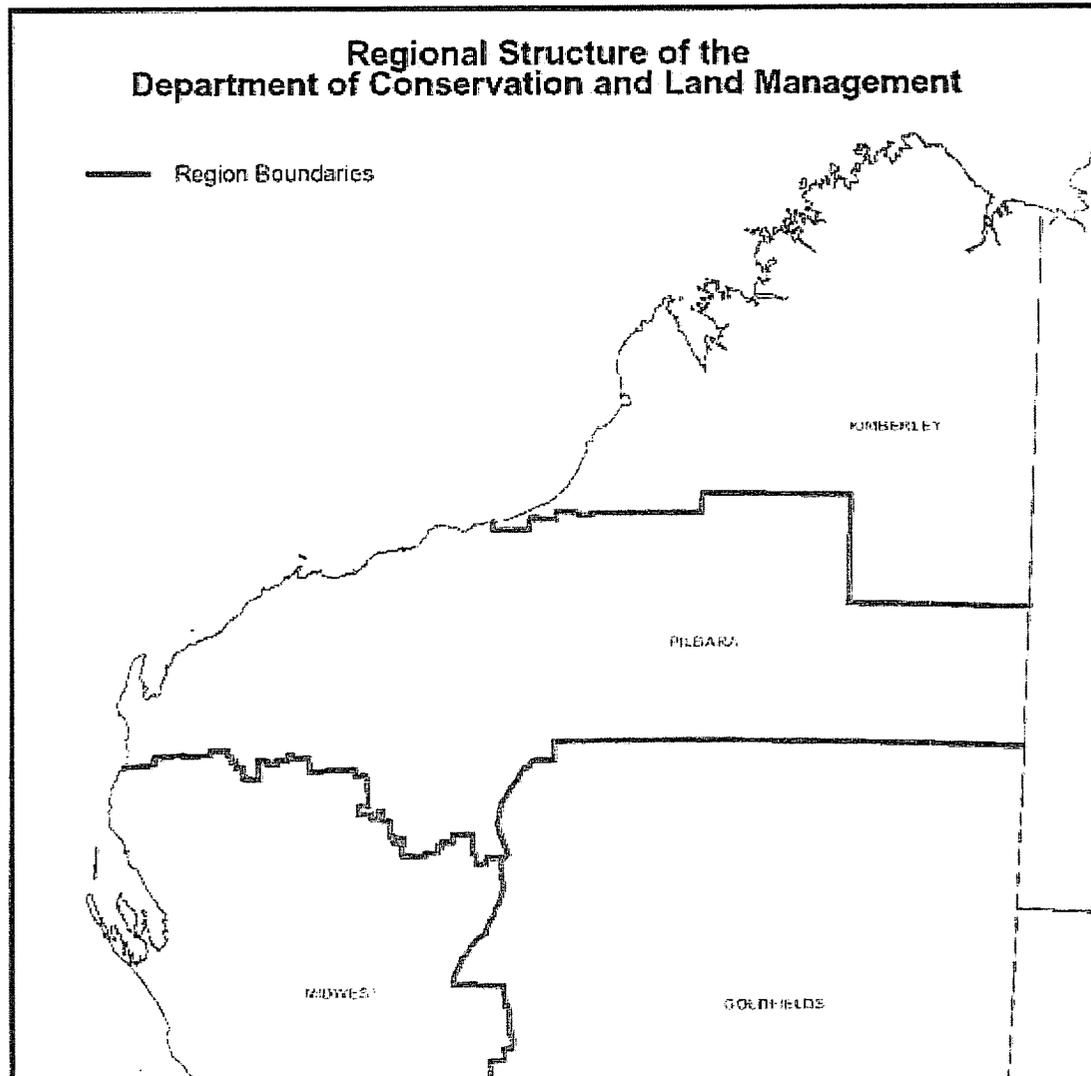
ATTACHMENT 6

**REGIONAL BOUNDARIES FOR THE LAND ADMINISTRATION MANAGEMENT SERVICES
BRANCH OF THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE**

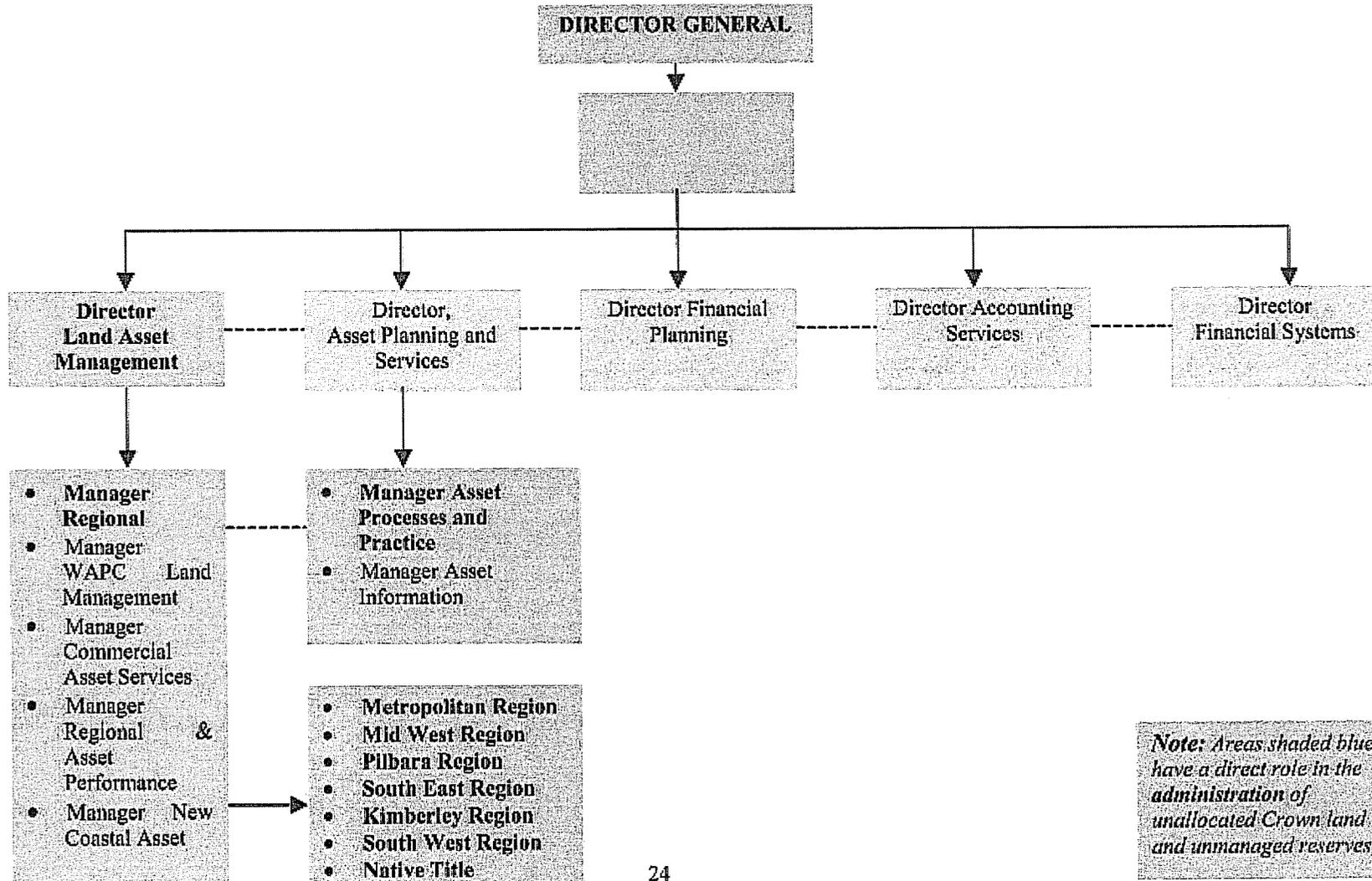


ATTACHMENT 7

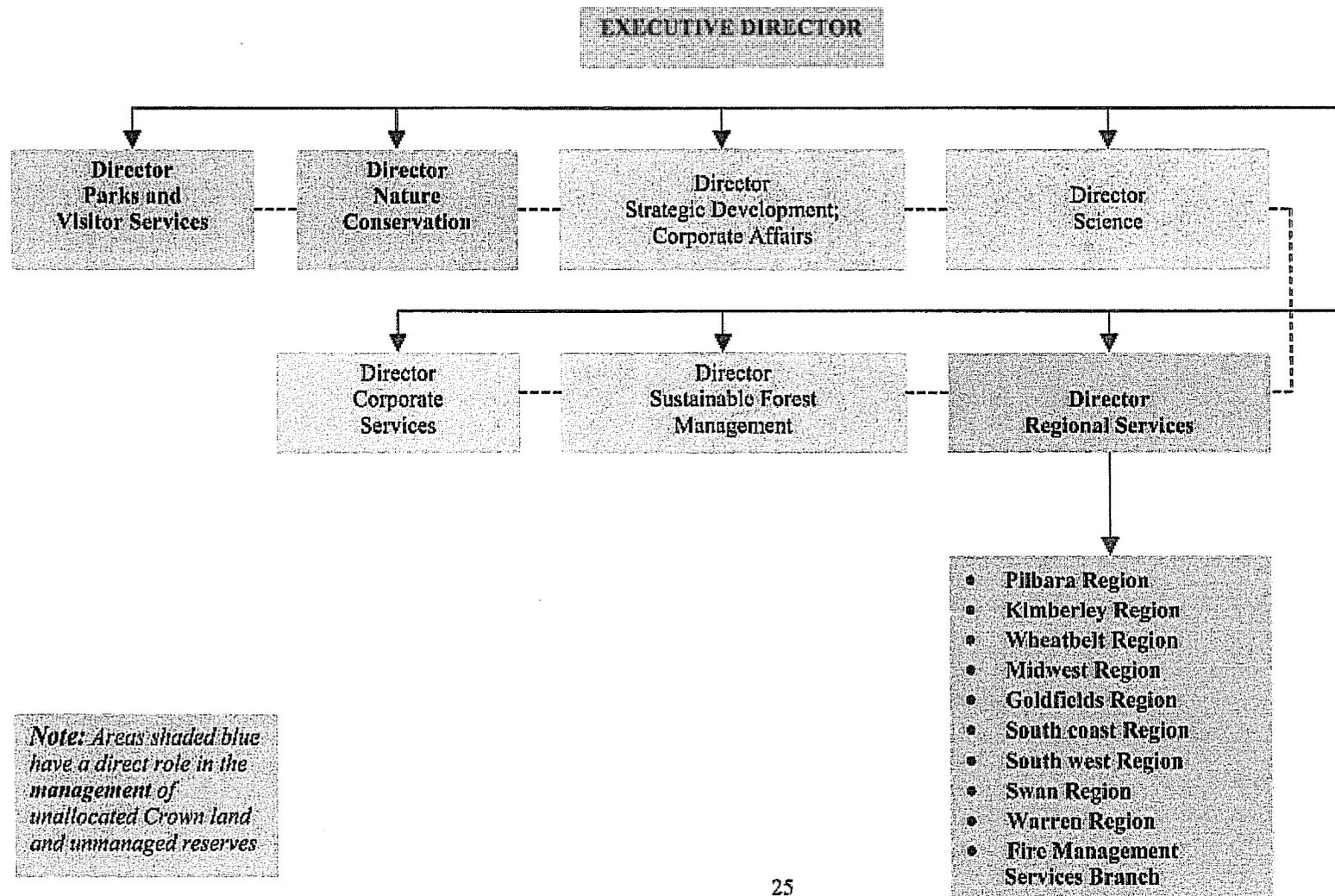
REGIONAL BOUNDARIES FOR THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT



DEPARTMENT FOR PLANNING AND INFRASTRUCTURE ORGANISATION CHART



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT ORGANISATION CHART



ATTACHMENT 10

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE ORGANISATION PRINCIPAL CONTACTS FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Position	Name	Address	Email	Phone	Fax	Mobile
Director General	Greg Martin					
Executive Director, Commercial and Asset Services	Athol Jamieson					
Director Asset Management	Peter McNally					
Acting Branch Manager, Land Asset Management Executive	Neil Parry					
Manager, Asset Processes and Practice, Asset Planning and Services	Dan Collins					
Manager Land Asset Metropolitan Region	Larry Fouracres					
Manager Land Asset Mid West Region	Grant Arthur					
Manager Land Asset Pilbara Region	Henty Farrar					
Manager Land Asset South East Region	Ken McCrackan					
Acting Manager Land Asset Kimberley Region (Metropolitan Based)	Steve Burgess					
Acting Team Leader Kununurra Office	Murray Raven					
Acting Manager, Land Asset South West Region (Metropolitan based)	Ron Pumphrey					
Project Officer, Bunbury Office	Bob Hamilton					
Manager, Native Title	Trevor Ramsden					

ATTACHMENT 11

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT PRINCIPAL CONTACTS FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Position	Name	Postal Address	Email	Phone	Fax	Mobile
Executive Director	Keiran McNamara					
Director, Regional Services	Alan Walker					
A/Director, Nature Conservation	Gordon Wyre					
Director, Parks and Visitor Services	Jim Sharp					
Project Manager, Crown Land Services	Drew Haswell					
Manager, Fire Management Services Branch	Rick Sncuwjgt					
A/Manager, Nature Protection Branch	Dave Mell					
UCL Land Management Coordinator	Michelle Widmer					
Nature Protection Coordinator	John Asher		@			
A/Manager, Pilbara Region	Stephen White					

ATTACHMENT 11
(continued)

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT PRINCIPAL CONTACTS FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

Position	Name	Postal Address	Email	Phone	Fax	Mobile
A/Manager, Kimberley Region	Guc Mackay					
Manager, Wheatbelt Region	Bruce Bone					
Manager Mid West Region	Kelly Gillen					
Manager, Goldfields Region	Ian Kealley					
Manager, South Coast Region	John Watson					
Manager South West Region	Bob Chandler					
Manager, Swan Region	Alan Sands					
Manager, Warren Region	Peter Keppel					

ATTACHMENT 12

LINE OF COMMUNICATIONS BETWEEN THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AND THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

DPI	CALM	Issue Resolution and Decision Level
Director General	Executive Director	Approval of formal agreements and Cabinet submissions. Interagency liaison at policy level.
Executive Director, Commercial & Asset Services Director, Asset Management	Director, Regional Services	Development of formal agreements and Cabinet Submissions. Interagency liaison at executive level. Central coordination of works program priorities and budget allocations. Reports to the Corporate Executive.
Acting Branch Manager, Land Asset Management Manager, Processes and Practice, Asset Planning and Services A/Manager, Native Title	Project Manager, Crown Land Services	Policy, scientific, technical and liaison support to CALM's Director, Regional Services.
A/Branch Manager, Land Asset Management Manager, Processes and Practice, Asset Planning and Services	Manager, Fire Management Services Branch	Statewide coordination of fire prevention risk management, information systems, strategic planning, liaison, standards, and monitoring.
Acting Team Leader Kununurra Office Project Officer, Bunbury Office	A/Manager, Nature Protection Branch	Statewide coordination of weed and animal control, information systems, strategic planning, liaison, standards, and monitoring.
Acting Team Leader Kununurra Office Project Officer, Bunbury Office	UCL Land Management Coordinator	Statewide coordination of fire prevention and weed and animal control operations.
Manager, Land Asset, Pilbara Region	Manager, Pilbara Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management, liaison and special services.
Acting Manager, Land Asset Kimberley Region (Metropolitan Based)	Manager, Kimberley Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.

LINE OF COMMUNICATIONS BETWEEN THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE AND THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT FOR THE MANAGEMENT OF UNALLOCATED CROWN LAND AND UNMANAGED RESERVES

DPI	CALM	Decision Level
Manager, Land Asset South East Region Manager, Land Asset Mid West Region	Manager, Wheatbelt Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, Mid West Region	Manager Mid West Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, South East Region	Manager, Goldfields Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, South East Region	Manager, South Coast Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Acting Manager, Land Asset, South West Region (Metropolitan based)	Manager, South West Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
Manager, Land Asset, Metropolitan Region	Manager, Swan Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.
A/Manager, Land Asset, South West Region (Metropolitan based)	Manager, Warren Region	Regional coordination and implementation of Crown land management services, including strategic and annual works programming, financial management and liaison.

APPENDIX E



Department for Planning
and Infrastructure



MEMORANDUM OF UNDERSTANDING

between the

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE

and the

FIRE AND EMERGENCY SERVICES AUTHORITY

in relation to

Fire Risk Management on Unallocated Crown Land and Unmanaged Reserves in the Metropolitan Area, Regional Centres and Townsites

Memorandum of Understanding (MOU)

1. Parties:

The Department for Planning and Infrastructure (DPI), Albert Facey House, 469 Wellington Street Perth, Western Australia.

And

The Fire and Emergency Services Authority of Western Australia (FESA), 480 Hay St Perth, Western Australia.

2. Background

- (a) The purpose of this MOU is to prescribe and formalise administrative and service delivery arrangements between FESA and DPI in relation to fire risk management on Unallocated Crown Land (UCL) and Unmanaged Reserves (UMR) in the metropolitan area, regional centres and townsites.
- (b) DPI has fire management responsibility for UCL and UMR in the metropolitan area, regional centres and townsites.
- (c) A policy objective of DPI is, to the extent that available funding and resources permit, to endeavour to economically and effectively –
 - (i) minimise community risk in relation to fire on UCL and UMR in the metropolitan area, regional centres and townsites;
 - (ii) undertake fire mitigation/hazard reduction measures which are consistent with those required by local governments pursuant to section 33 of the *Bush Fires Act 1954*;
 - (iii) meet the reasonable requirements of Local Government fire prevention plans developed in accordance with FESA standards and guidelines;
 - (iv) contribute to the achievement of FESA Fire Services' fire mitigation outcomes in these areas, as expressed in FESA's Division and Directorate business plans.
- (d) FESA is responsible for the administration of the Bush Fires Act 1954, Fire and Emergency Services Authority of Western Australia Act 1998 and the Fire Brigades Act 1942, and has close links to local governments and their bush fire brigades. In working towards its objective to improve community safety practices and provide timely, quality and effective emergency services, FESA will:
 - (i) develop and implement strategies to identify and manage UCL/UMR fire risk in the metropolitan area, regional centres and townsites.
 - (ii) provide advice to local governments concerning fire risk management and fire mitigation strategies and encourage local governments to develop and implement fire prevention plans.

- (e) Fire management of UCL and UMR in the metropolitan area, regional centres and town sites will therefore be based on the following premises:
- Statewide fire mitigation resource allocation will be based on an assessment of FESA Fire Services risk priorities commensurate with the UCL/UMR fire risk management funding provided by DPI.
 - Regional risk priorities will be based on FESA Fire Services regional business plans.
 - Local distribution of funds will be prioritised, based on assessments by FESA Fire Services regional staff conducted in conjunction with other relevant stakeholders. Where local governments have prepared fire prevention plans, due cognisance will be taken of these and identified UCL/UMR fire risks.
 - In all cases, priority of resource allocation will be based on assessment of risk to life, property, and environmental values (conservation and bio-diversity), in that order.
 - Unforeseen emergent risks may nevertheless require urgent treatment and priority in allocation of funds. If time permits, the parties will agree to such reprioritisation beforehand. However, in an emergency situation, FESA has the discretion to proceed without prior consultation with DPI. FESA is to subsequently inform DPI of such action.
- (b) Fire mitigation treatments include but are not limited to:
- firebreak and access road construction;
 - fuel break construction;
 - broad-scale and, where appropriate, specific prescribed hazard reduction burning;
 - slashing/clearing; and
 - incorporation of land into Local Government fire prevention plans.

Definitions:

In this Memorandum of Understanding, unless the contrary intention appears:-

- "interest" has the meaning given by section 3 of the *Land Administration Act 1997*.
- "LAA" means the *Land Administration Act 1997*.
- "metropolitan area" means the Perth metropolitan region, as defined by section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*.
- "parties" means the parties identified on the first page of this Memorandum of Understanding who make this Memorandum of Understanding.
- "regional centres" means cities (within the meaning given by section 2.4 of the *Local Government Act 1995*) outside of the metropolitan area.
- "townsites" means townsites within the meaning of section 26 of the *Land Administration Act 1997*, outside of the metropolitan area and regional centres.
- "unallocated Crown land" means Crown land –
 - (a) in which no interest is known to exist, but in which native title within the meaning of the *Native Title Act 1993* of the Commonwealth may or may not exist; and
 - (b) which is not reserved, declared or otherwise dedicated under this Act or any other written law.
- "unmanaged reserve" means a reserve to which the care, control and/or management is not placed with a management body, whether under section 46 of the *Land Administration Act 1997*, or management arrangements under another act.

4. Service Arrangement

DPI will budget each year for fire management on UCL and UMR in the metropolitan area, regional centres and townsites. It is reliant on advice from FESA regarding appropriate funding for fire mitigation programs, inclusive of management costs, and on Treasury for the provision of funds. The majority of these funds will be transferred to FESA, which will expend them on the discharge of fire mitigation programs within the general framework of this MOU.

5. Specific Responsibilities and Services

5.1 Pursuant to this MOU, DPI will undertake to:

- (a) Provide UCL/UMR land status verification as requested by FESA, including any notification of caveats, covenants and/or restrictions and other interests applicable (eg rare flora, Native title), to suit mutually agreed work schedules.
- (b) To the extent that funds are provided to DPI by Treasury for this purpose, provide FESA an annual allocation of dedicated UCL/UMR fire risk management funding for the purpose of this MOU by September each year.
- (c) Provide and maintain specific contacts in operational areas for day-to-day UCL/UMR matters affecting regional staff and notify FESA of these contacts.
- (d) Provide and maintain a senior officer point of contact for policy/executive liaison.
- (e) Review the FESA annual UCL/UMR performance report and provide feedback.
- (f) Review and discuss FESA's fire risk management programs, including residual fire risks, with FESA Fire Services staff.
- (g) Work with FESA on development of submissions to Treasury for additional funding if required, to service an adequate fire risk management program for UCL and UMR in the metropolitan area, regional centres and townsites.
- (h) Provide FESA with access to GIS and land information ("data") as requested for the provision of fire management services under this MOU. The parties acknowledge that this undertaking is subject to consultation with and agreement by the Department of Land Information for the provision of data.

5.2 Pursuant to this MOU, FESA will undertake, pursuant to standards agreed to by the parties, to:

- (a) Identify, analyse, assess, prioritise and document UCL/UMR fire risks in the metropolitan area, regional centres and townsites.
- (b) To the extent that funds are provided by Treasury to DPI, and by DPI to FESA for this purpose, allocate DPI funds for appropriate fire risk treatments (and all associated and incidental costs) against prioritised risks, in keeping with the approach outlined in section 4 of this MOU.
- (c) Work with DPI on development of submissions to Treasury for additional funding if required, to provide an adequate fire risk management program for DPI's UCL and UMR in the metropolitan area, regional centres and townsites, based upon FESA's assessment and advice in this connection .
- (d) Report at least annually on the outputs, the efficiency and the effectiveness of UCL/UMR fire risk management programs.

- (e) Carry out fire risk management tasks in a professional manner and comply with industry standards in respect of such tasks.
- (f) Ensure contractors carry adequate insurance against injury or damage arising out of fire management activities on Crown land.
- (g) Supervise and document risk treatment works.

6. Implementation

This MOU will be clearly communicated to all relevant staff in both FESA and DPI within 30 days of the date of commencement.

7. Dispute Resolution

When an unresolved dispute arises, one party will advise the other and specify the nature and substance of the issue in dispute. The parties agree to use their best endeavours to expeditiously resolve the dispute through negotiation between officers at appropriate levels and/or formal mediation involving key managers and directors. If the dispute remains unresolved, the Chief Executive Officer of FESA and the Director General of DPI, and/or the relevant Cabinet Ministers, will be called on to resolve the dispute.

8. Governing Law and Jurisdiction

- (a) This MOU is governed by and will be construed in accordance with the laws of Western Australia.
- (b) The parties acknowledge and agree that this MOU is not legally binding, and is not enforceable and does not fetter the legal powers and responsibilities of the Minister for Lands under the LAA.
- (c) The parties acknowledge and agree that they will nevertheless use their best endeavours to achieve the MOU's objectives.
- (d) Each party acknowledges and agrees that its responsibility under this MOU is dependent upon, and limited by, the funds allocated for the provision of fire management services on UCL and UMR in the metropolitan area, regional centres and townsites.

9. Confidentiality

- (a) The terms and conditions of this MOU are confidential.
- (b) Any confidential information arising through the provision of land information by DPI will be treated as confidential by each party and will not be disclosed to any third party unless there is a legal obligation to disclose this information or unless with prior written consent of the other party.

10. Variation and Review

10. Variation and Review

This MOU describes the agreement between the parties for fire management of metropolitan, regional centre and townsite UCL and UMRs, based on current knowledge. It will be reviewed in March each year, but may be varied at any time with the mutual agreement in writing of the Director General of DPI and the Chief Executive Officer of FESA, so as to accommodate new information and the need for adaptive management.

11. Term and termination

This MOU will continue for a term of five (5) years from the date of commencement, subject to clause 11. Nothing in this MOU will affect the rights of either party to terminate this MOU upon giving the other party 30 days notice in writing.

12. Renewal and Holding Over

If the parties agree, the MOU may remain in place for further review periods of five years each, or until terminated by agreement between parties. Where negotiations are still in course between the parties towards a revised or new MOU at the time this MOU expires, the MOU will continue in force until replaced or renewed, unless either party specifies otherwise.

13. Notices

Notices or other communications by each party to each other and under this MOU must, unless otherwise notified in writing, be addressed and forwarded as follows:

Director General
DEPARTMENT FOR PLANNING AND INFRASTRUCTURE

FESA Chief Executive Officer
Fire and Emergency Services Authority of Western Australia

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made

on the 11th day of May 2004

BETWEEN THE

Department for Planning and Infrastructure

AND

Fire and Emergency Services Authority of Western Australia

and will take effect from 19 April 2004

SIGNED for and on behalf of Department for Planning and Infrastructure by:

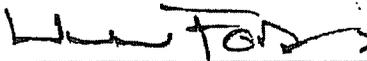
Greg Martin
DIRECTOR GENERAL


Signature

11/5/04
Date

SIGNED for and on behalf of the Fire and Emergency Services Authority of Western Australia by:

Bill Forbes
A/FESA CHIEF EXECUTIVE OFFICER


Signature

16 APR 04
Date