

Review of the *Fire and Emergency Services Act 2005*

Pursuant to Section 149 of the *Fire and Emergency Services Act*

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FOREWORD

I was pleased to be invited by the Hon Michael O'Brien MP the Minister for Emergency Services, to undertake this review of the Fire and Emergency Services Act 2005.

It was a pleasure to meet so many committed staff and volunteers of the emergency services sector who readily provided the benefit of their experience to the Review and I am extremely grateful to those who additionally took the time to make written submissions.

The State is fortunate to have strong leaders in its emergency services and I thank the Chief Officers of the CFS (Greg Nettleton), MFS (Grant Lupton) and SES (Chris Beattie) for their positive and significant contributions to the Review.

I am particularly indebted to Roy Thompson, Assistant Chief Fire Officer of the South Australian Metropolitan Fire Service and SAFECOM staff who assisted me in the preparation of the report.

South Australians can feel secure in the knowledge that their three ESOs comprise well-managed, professional, dedicated, highly trained and well equipped staff and volunteers who provide a fire and rescue service the equal of any in the world. The recommendations contained in this report seek to build upon this high standard.

Hon. Paul Holloway BSc, BEc, BE (Hons)

EXECUTIVE SUMMARY

The Fire and Emergency Services Act 2005 (F&ES Act) was proclaimed on 1 October, 2005. It was based upon the findings of the Emergency Services Review (commonly called the Dawkins Report), which was presented to the Government in May 2003. It brought the South Australian Metropolitan Fire Service (MFS), South Australian Country Fire Service (CFS) and the South Australian State Emergency Service (SES) under a single Act. The new Act ensured retention of the operational autonomy of each of the three Emergency Service Organisations (ESOs) but introduced a major philosophical shift in terms of their governance. Given the scope of these changes, Section 149 of the F&ES Act required a review of the operation of the Act be undertaken two years after it came into effect. John Murray APM undertook that review and presented his report in 2008. Significant amendments to the F&ES Act passed through Parliament in 2009. Amendments included the requirement for a further review of the Act to be undertaken three years after the amended Act commenced (see Appendix A).

South Australia has not suffered any major disasters since the Act was amended in 2009; other states have not been so fortunate. The aftermath of those disasters has led the Council of Australian Governments to actively develop and promote the National Strategy for Disaster Resilience. Significant changes have also been made to the governance of emergency services in many states.

Additionally, a more challenging economic outlook is placing pressure on our ESOs to achieve greater efficiencies. Unresolved issues remain an impediment to better governance of the emergency services sector. At the same time public expectations of the capacity of our ESOs to respond to, and even avert, major incidents is growing as memories of past disasters fade.

The cooperative governance model for emergency services in South Australia through the establishment of the South Australian Fire and Emergency Services Commission (SAFECOM) was a central part of the original F&ES Act. The role of SAFECOM remains the most controversial issue facing this review as it has in previous reviews.

The SAFECOM model is unique to South Australia. It is worth noting that most other states have moved away from the use of boards to manage emergency services and South Australia remains one of the only states which does not have one person who takes ultimate responsibility for all fire and emergency services. While other states retain separate urban and rural firefighting services largely comprising paid staff and volunteers respectively, most states now have one Chief Executive (CE) for all fire and rescue services to ensure the allocation of resources across and within all emergency services is optimised.

The Dawkins report recommended a SAFECOM voting board consisting of the Chiefs of the MFS and the CFS, and chaired by the CE of SAFECOM who would represent the SES. It was also recommended that a majority of the three member

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Board must include the SAFECOM CE. Had this veto power of the SAFECOM CE been legislated, the capacity of SAFECOM to ensure optimal resource allocation and the minimisation of turf wars between the ESOs may have been greatly strengthened. However, for the legislation to pass through Parliament it was agreed that any new arrangements should preserve the distinct identities of each of the ESOs and that they be supportive of proposed changes.

The current composition of the nine member Board, with the SAFECOM CE as Chair, the three Chiefs of the ESOs, a representative from each of the union and volunteer associations (United Firefighters Union, CFS Volunteers Association and SES Volunteers Association), and two independent members undoubtedly contributes to inertia when sector-wide decisions need to be made.

The Review understands that Board decisions are made by consensus and inevitably some key resource decisions are not discussed at all by the Board. It was recognised, however, that the current Board structure does provide access to the Chief Officers collectively for volunteers and employees.

Most members of the Board supported an independent chair being appointed rather than the position being filled by the SAFECOM CE. However, most of the current Board also conceded this would not by itself resolve all of the structural issues facing the Board.

In his report on the F&ES Act in 2009, John Murray found that the ESOs demonstrated a tendency to remain as organisational 'silos' and that the SAFECOM Board arrangement, with three stakeholders having specific organisational interests, was not likely to achieve a truly sector-wide model of governance.

Murray recommended that the F&ES Act be amended to transfer accountability for policy, strategy and resource allocation for the emergency services sector from the SAFECOM Board to a single authoritative position.

This key proposal by Murray to address the identified shortcomings in governance was ultimately not legislated. It is therefore not surprising that five years after the Murray Review found that the coordinated model for emergency service governance had not been fully accepted and adopted in practice, these observations remain relevant.

There is ample evidence that the three emergency services are cooperating satisfactorily at an operational level. However, it is less obvious that emergency services resources are being efficiently allocated between the agencies. There is also widespread dissatisfaction with the operation of the SAFECOM Board, which extends to nearly all members of the Board itself.

The future role of SAFECOM is particularly pertinent now because of the challenging financial environment facing the Commission. SAFECOM has traditionally provided shared administrative support for the three emergency service agencies. With the establishment of Shared Services SA some of these corporate services have been transferred from SAFECOM to this agency. SAFECOM also provides policy input to

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national emergency services agenda items such as the National Strategy for Disaster Resilience, and the planning for disasters other than urban or rural fire.

The capacity of SAFECOM to service the three ESOs into the future has now been questioned to such an extent that the three Chief Officers have proposed a Lead Agency model (see Appendix F) which would transfer group corporate services within SAFECOM back to the individual agencies. Under this model, each ESO would take responsibility (i.e. be the lead agency) for a particular common function now undertaken by SAFECOM, while other services would be devolved back to each agency. A Service Level Agreement would underpin each Lead Agency function and the selection of the lead agency for a particular function would be determined by the Chief Officers.

While this model may provide a workable solution for the management of emergency services in the current financial environment, it is unlikely that all potential shared services, if left to the Chief Officers, would be incorporated into the new model.

As indicated above, most other states have moved following various investigations, royal commissions and reviews to establish a line of responsibility for all emergency services to the Minister through one Chief Executive.

It is considered by many that such a model will inevitably be adopted in South Australia at some time in the future. It is a matter of record, however, that past recommendations that would mirror these interstate models through greater powers for SAFECOM have been rejected by government or the Parliament. The key question facing the future of emergency services in 2013 is whether South Australia is ready to move to a single department model or should an interim model such as that proposed by the three ESO Chiefs be adopted? This question is further considered in the following chapter.

The need for the services to work together towards a common goal to provide the best possible service for the people of South Australia has been the driving force behind the introduction of the F&ES Act and subsequent amendments. However, the Review was made aware of anomalous situations where the closest, fastest and most appropriate response to emergency situations may still not be guaranteed. While these situations are limited, and ESO personnel generally have worked hard to overcome such eventualities, it is an area which should be addressed to ensure the people of South Australia have access to the best available emergency services for the significant public and community investment involved.

Apart from the major challenge of the future governance of emergency services, the Review was made aware of a number of other issues which have emerged since the F&ES Act was amended in 2009. These issues include: perceived complexity surrounding the development of Bushfire Management Plans and their relationship to planning under the Emergency Management Act 2004 (EM Act); the implications of a rapid growth in private forestry, particularly hardwood plantations; the conditions pertaining to and enforcement of permits to burn off; the desirability of including Volunteer Marine Rescue services under the F&ES Act; and the circumstances and protections relating to the use of local government staff and assets when responding

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to emergency events. There were also a number of technical issues raised by the ESOs relating to apparent anomalies or ambiguities in the Act. These and other matters are discussed later and where considered appropriate amendments to the Act have been recommended to address or clarify the issues.

Governance of the Emergency Services Sector

Introduction

Ten years ago the Dawkins Report into Emergency Services examined what were then the joint management arrangements for the sector provided by the Emergency Services Administration Unit (ESAU) -. The Dawkins Report found:

- *The current structure of the emergency services sector is complex, confused and unclear.*
- *The relationships, reporting arrangements and accountabilities that exist between organisations and the Minister, and amongst the organisations themselves, are confusing and difficult to understand.*
- *The current method of allocating resources lacks rigour and consistency, in that there is no single body or person, other than the Minister, with a government-wide perspective.*
- *The almost unanimous perception of stakeholders is that the current hybrid governance model is not working.*

Those findings could equally apply in 2013 to SAFECOM, the successor of ESAU whose establishment was recommended by the Dawkins Report. The structure proposed for SAFECOM in the Dawkins Report was not implemented in its entirety and, while much progress in achieving a sector-wide approach to Emergency Services management has been achieved and acknowledged in the sector, many believe the failings of ESAU have emerged in SAFECOM.

In his report on the F&ES Act in 2008 John Murray noted:

'The changes brought about by this new F&ES Act introduced significant challenges to existing office holders since its provisions called for organisational changes and a major cultural shift. The most pertinent change for Chief Officers of the ESOs was a move from relative autonomy (allowed in previous Acts) to one which demanded shared responsibility in sector-wide governance for non-operational matters.

'At the SAFECOM Board level, this challenge has certainly been met since the principles, protocols, plans and procedures adopted by the Board are entirely consistent with what the F&ES Act intended in terms of a coordinated governance model for the emergency services sector. However, it remains principally at that conceptual level since the Chief Officers have experienced some difficulty (or perhaps reluctance) in putting the concept into practice. The ESOs still, to some degree, present as independent agencies. Expressed colloquially, they demonstrated a tendency to remain as organisational 'silos'. Since the F&ES Act calls for a coordinated approach in

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the governance of the emergency services sector, this proved to be an inhibiting factor in resolving and implementing major issues.'

John Murray offered three reasons why, at the time of his report, governance may still not have been fully accepted and adopted in practice:

- *ambiguity in the F&ES Act as to what constituted operational and non-operational matters.*
- *the constitution and processes of the SAFECOM Board have appeared to have presented a dilemma for Chief Officers in representing their organisational interests and at the same time attending to their fiduciary duties as Board members.*
- *the changes introduced in 2005 are significant and take time to absorb and accept.*

Murray concluded:

'To achieve the shared governance model intended by the F&ES Act, there is a need for intervention, essentially through legislation. A major stumbling block has been that matters of governance require the Board, and the Board alone, to make decisions about policy, planning and the allocation of resources. This arrangement, with three stakeholders having specific organisational interests (even with the proposed changes in this Review for increased authority of other Board members) is not likely to achieve a truly sector-wide model of governance.

'The Minister for Emergency Services appears to have identified this shortcoming by appointing the CE as the "Commissioner of Fire and Emergencies" (currently as a working title), to "take on a key leadership role in the Emergency Services Sector". This is a necessary and sensible move but it has to be ratified in the legislation and the position given the relevant authority in terms of policy, strategy and resource allocation to the extent that it could formally drive government policy.'

It is a matter of history that the CE of SAFECOM was not appointed Commissioner of Fire and Emergencies and given commensurate powers. SAFECOM exists as a board, it provides some corporate services to the sector, but it is questionable whether it can effectively determine resource allocation to the ESOs in accordance with sector-wide priorities

In reality SAFECOM is a shared service agency whose input to sector-wide strategic issues is mainly confined to the role of its CE as Chair of the SAFECOM Board and its Emergency Management function.

Most other Australian States have moved away from boards to manage their Emergency Services and have instead adopted a departmental structure with one Fire and Rescue Chief at the apex of emergency services. While each of these states have differences in the way their emergency services are structured reflecting

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their different histories and geographies, with the exception of Tasmania they all retain a separately badged rural firefighting service which is reliant on volunteers and a separately badged urban brigade staffed with paid firefighters. See Appendix E for further details.

The obvious advantage of a departmental structure with one Chief Officer is that priorities for the Emergency Services sector are internally determined within the department and the Chief Officer has ultimate responsibility for the allocation of resources within the sector and is accountable to the sector and the government. Under the current structure in South Australia, where SAFECOM is nominally responsible for the allocation of resources to the sector (Section 8 (1) (e)) but the Board structure allows paralysis on such issues to occur, sector-wide priorities will often gravitate to the Minister's office or Budget processes for resolution.

A robust debate between the three ESOs on the priorities for the sector may be healthy and desirable, but ultimately decisions must be taken from a sector-wide perspective and in the best interests of the public. For example, decisions on the provision of fire and rescue services in regional cities should be based on which agency can provide the best service to the citizens of that city at an affordable cost. Under the 'one chief' model in other states decisions such as that would ultimately be in the hands of the Chief Executive who would be accountable to the government and the community for the decision. In South Australia each ESO Chief has responsibilities within a rigid set of geographical and operational boundaries that can only be changed through negotiations at SAFECOM Board level or changes to the F&ES Act.

In other words, the transaction costs of such decisions in South Australia are very high relative to those in most other states and there is considerable inertia whenever operational boundaries need re-assessment.

Recommendation 1

That the MFS, CFS and SES be incorporated into a departmental structure under the direction of a Chief Executive based on interstate developments over the past two decades, which establishes this arrangement as the benchmark for the governance of Emergency Services in Australia. The MFS, CFS and SES would operate as separate units under the ultimate direction of the CEO.

Lead Agency Model

The establishment of SAFECOM was a major and central reform of the F&ES Act in 2005. Assessing the performance of SAFECOM was a key part of the Murray Review in 2008. The future of SAFECOM remains the central focus of this review in 2013 and in particular the role, if any, that SAFECOM should play in servicing the three ESOs.

A major contribution to debate on the future of emergency services has been initiated in a submission by the three Chief Officers of the MFS, CFS and SES.

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The joint discussion paper by the three Chief Officers has questioned the very existence of SAFECOM in its role as a shared service agency for the three ESOs. The ESO Chiefs claim that the 42 staff assigned to fire and emergency service support functions in a resource challenged SAFECOM would be better utilised for the sector if they were returned to operate within the three ESOs, with each ESO acting as the lead agency for a particular sector-wide function.

In presenting their arguments for a Lead Agency model the three Chiefs assert that:

'The loss of significant numbers of Full Time Equivalent (FTE) to Shared Services SA and successive budget cuts and FTE reductions in SAFECOM has led to a significant and unsustainable decline in the levels of corporate and business support it provides to the three Emergency Service Organisations. This has led to a loss of confidence within the agencies as to the capability, capacity and structure of SAFECOM. As a result, all three agencies have been reorienting and restructuring to address SAFECOM's service delivery shortfalls and gaps. This has required significant organisational reform within the agencies. The Chief Officers believe that SAFECOM's resources and staffing have now dropped below the levels required to support the ESO on a sustainable basis.

'Furthermore, with the establishment of Shared Services SA, the maintenance of a third party service coordination agency (SAFECOM Office) represents a cost pressure that cannot be afforded in the current economic climate. Within the current SAFECOM structure the majority of the remaining functions (and associated FTE) were originally sourced from the ESO. In many cases the original agency requirement remains.

In other cases the FTE sourced from each agency have been consolidated within SAFECOM. Although the rationale for this was to achieve a critical mass that could better support the agencies as a collective, in practice this has removed resources from where they can most directly support front line services.

Consequently it is the agreed position of the Chief Officers that improvement in sector governance and efficiencies would result from the return of the remaining corporate support functions within the SAFECOM Office to the respective agencies.'

The Chiefs' joint submission also addresses the composition of the SAFECOM Board:

'Concerning the SAFECOM Board, it is the agreed position of the Chief Officers that there is a requirement to maintain the centralised governance mechanism of the Board to coordinate and support each agency in delivering efficient services to the community and provide assurance to the Minister and Government of the day.

'Although the Board governance model provides transparency and accountability to the South Australian Emergency Services Sector, the Chief Officers of the three ESOs believe that the opportunity exists to implement significant efficiencies within the sector.

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'It is the position of the Chief Officers that the governance provided through the Board would be significantly improved by the creation of an independent chair. That is, the Chair would not be the Chief Executive Officer of SAFECOM. This would not require a change to the existing legislation if the position of Chief Executive Officer of SAFECOM were to be vacant.'

Under such arrangements the Board would continue to provide the broad direction and strategies to the sector and effective oversight and governance. The Board would also hold responsibility for providing assurance that the ESOs discharge their legislated duties and achieve their individual and collective mandates.'

The Chiefs' proposal raises several questions. Are the resources available to SAFECOM to service the emergency services sector 'unsustainable'? What changes to the F&ES Act would be required to implement the Chiefs' proposals (and could an independent chair be legally appointed to SAFECOM if the position of CEO of SAFECOM were to be vacant)? Would the SAFECOM Board with an independent Chair be capable of providing the leadership and sector-wide decision-making the sector requires or would the three ESOs be more likely to revert to individual 'silo' behaviour without the presence of a centralised service organisation? Would the smallest of the ESOs, the State Emergency Service (SES), have the critical mass of paid staff to be able to function satisfactorily as an autonomous and self-contained agency?

These questions are considered below.

SAFECOM's capacity to service the ESOs

The staff levels in SAFECOM and in each ESO for each of the past nine years are set out in the table below. The percentage of staff within SAFECOM against the total employed within the sector is shown in the last row.

Table 1: Emergency Services Workforce Summary

Workforce Summary (FTEs)									
	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
CFS	101.1	100.5	96.3	102.8	124.8	118.8	119.4	133.1	133.1
MFS	834.7	841.4	880.5	918.3	938.4	929.3	964.1	939.0	931.6
SES	36.4	34.4	30.4	40.4	38.6	37.6	31.0	40.4	40.2
SAFECOM	98.2	101.7	112.4	104.6	97.6	86.3	72.1	69.2	49.8
Sector Total	1070.4	1078	1119.6	1166.1	1199.4	1172	1186.6	1181.7	1154.7
% SAFECOM Staff	9.17	9.43	10.04	8.97	8.14	7.36	6.08	5.86	4.31

Source: SA Dept of Treasury and Finance: Budget Papers

Clearly SAFECOM has shouldered most of the burden of budget restraint over the last few years in keeping with a 'no cuts to front line services' philosophy.

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It should be noted that 9.8 FTE staff working on accounts payable and accounts receivable and payroll were transferred from SAFECOM to Shared Services SA from 2008 to 2009. After taking these transfers into account, the proportion of SAFECOM staff to total FTEs in the emergency services sector has reduced every year since 2007 and halved over the past decade.

The rapid downsizing of SAFECOM since 2007 has created another issue; a top heavy management structure as more junior staff have left the organisation. With total staff numbers of 49.8 FTE, SAFECOM now has 10 Senior Managers (eight at MAS3 level and two Executives). This is an issue which an audit of shared services (as recommended below) could help address.

The F&ES Act sets out the functions of SAFECOM in Section 8. These extensive responsibilities are listed in Appendix D.

In reality the functions of SAFECOM are much less ambitious than the Act would suggest. The shared services support currently provided by SAFECOM can be broken down into the following categories: Volunteer Support, Finance, Procurement, Asset Management, Occupational Health and Safety (Prevention and Claims Management), Information Technology (Systems and Help desk), and Administration (Board support and Freedom of Information).

Apart from these shared service support functions, the other important task assigned to SAFECOM is Emergency Management. This currently involves approximately 15 FTEs, 12 of whom are Commonwealth funded, to provide the state's contribution to broader disaster preparedness and community resilience in accordance with Part (p) of Section 8 of the F&ES Act: *to undertake a leadership role from a strategic perspective with respect to emergency management within the State and to maintain an appropriate level of liaison with other bodies responsible for the management of emergencies in the State.*

The Chiefs propose that this broader emergency management function could be transferred to the SES under their Lead Agency model.

It is apparent that SAFECOM has never completely fulfilled all the tasks assigned to it under Section 8. For example, SAFECOM has struggled to achieve effective overall management of resources as required by Section 8 (1) Part (e) *to provide for the effective allocation of resources within the emergency services sector.* It is also apparent that SAFECOM has been squeezed to such an extent that its ability to provide services such as volunteer support was frequently raised as an issue by CFS and SES volunteers.

While the staff of SAFECOM have undoubtedly stretched themselves to service the sector with reduced numbers, the effectiveness of many of the support functions given the reduced FTEs has been questioned by the Chiefs (and many in the sector) to such an extent that resources within the ESOs have been diverted to bolster these functions. There appears to be a fundamental disconnect between the resources allocated to SAFECOM for shared services and the resources which would provide the optimum level of shared services for the sector.

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Rather than shared services needs being identified and the appropriate share of the total emergency service budget being allocated to these functions as would happen in a departmental structure, it is apparent that fundamental decisions about the resources of SAFECOM and the three ESOs have at times been determined in isolation.

It is the view of this report that an audit of shared service functions within emergency services should be undertaken. This audit should include functions which potentially could be undertaken by either SAFECOM or individual ESOs acting as a Lead Agency. One purpose of this audit would be to determine the manner in which shared services can be delivered to the sector to ensure the best outcome for the sector as a whole. Further consideration of shared services is included in a separate section below.

It is noted that such an analysis would assist determining the optimal delivery of shared ESO services regardless of whether that be within a departmental structure, a SAFECOM type organisation or a Lead Agency model.

The sustainability of SAFECOM as questioned by the three Chief Officers depends on the functions it is required to perform, the resources allocated to achieve that, and the will of the constituent agencies to make it succeed. The uncertainties which inevitably derive from the current Board structure, and which are reinforced by its history, suggests that either SAFECOM must change or a new model of governance be adopted. Whatever approach is accepted, it is essential that shared services are properly appraised and appropriate resources allocated to them.

Recommendation 2

That an external audit of shared services performed by SAFECOM and services now provided by the three ESOs which have the potential to be shared, be undertaken to determine the most efficient and cost effective way such services can be delivered to the sector. The three ESO Chiefs need to have input into this process.

The impact of the Chiefs' proposal on the F&ES Act

The Chiefs express the view that the transition to their Lead Agency model, and the creation of an independent Chair of the SAFECOM Board, could be implemented without changes to the F&ES legislation. While the Act provides for the appointment of a person to act in the office of CE (Section 16(4)) should the CE of SAFECOM be absent or the office temporarily vacant, Section 16(5) provides that a person so appointed will not act as a deputy member of the Board unless specifically appointed as a deputy of the CE under Section 11(3).

Chair of SAFECOM Board

The Chiefs' Lead Agency model would effectively reduce SAFECOM to a Board to provide the collegiate governance of the sector. In assessing this proposal one of the key questions is whether a Board comprising the three ESO Chiefs, the UFU, CFSVA and SESVA representatives and three independent members including the

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Chair, would be capable of providing the leadership the sector requires and of swiftly resolving any competing interests between the ESOs.

As is discussed elsewhere in this report, the SAFECOM Board model of governance is out of favour elsewhere in the country. In other states and territories there has been a move to a single CE management structure and a greater level of centralisation of the sector. The Dawkins report and the Murray Report both recommended stronger powers for the SAFECOM CE.

The Dawkins Report envisaged that SAFECOM would consist of a board of three voting members - the Chair of SAFECOM and the Chief Officers of MFS and CFS - and two non-voting members. The report recommended that decisions of the Commission be made by a majority vote, provided the Chair's vote is part of the majority. The Chair's responsibilities were to include the provision of policy support to the Government, emergency management support to the peak Emergency Management body and overall management of the SES. Implementation of these recommendations would have effectively given the SAFECOM Chair veto power over the sector and placed the Chair in a pre-eminent position over the Chiefs of the MFS and CFS. These recommendations did not translate into legislation and the compromise reached effectively left decision-making to the Board, with the SAFECOM Chair's influence diluted to one vote out of four, equal to the three other Chiefs.

The Murray Review in 2008 identified the shortcomings of the compromised Board structure and recognised that the SAFECOM Chair's authority needed strengthening if the body was to fulfil its charter. His recommendations on this matter also did not translate into legislation. Indeed the 2009 amendments to the F&ES Act increased the number of voting members on the Board from four to nine, further diluting the effective influence of the SAFECOM Chair.

In their submission, the Public Service Association (PSA) requested representation on the Board, given that they represent a significant number of corporate service staff. Rather than increasing the size of the Board even further, a better approach may be to strengthen the existing Sector Advisory Committee as the appropriate forum for workplace representation.

The weaknesses in the SAFECOM Board structure are obvious and predictable. The very existence of a management board for emergency services is itself open to question. The SES submission argued that:

'consideration be given to removing the one union and two volunteer association representatives from the Board. The views and concerns of the volunteer associations and unions are best managed through the statutory Sector Advisory Committee established by s19 (1). This could be supported by strengthening the functions of the Sector Advisory Committee and its requirements to report to the Board.'

Either the SAFECOM Board should be remodelled along the lines favoured in previous reports to give the Chair some authority and accountability for the sector, or a new model should be adopted.

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The benchmark for any emergency services management structure in Australia has effectively become a department with one Chief Executive of Fire and Rescue at the head of the organisation, and Deputy Chiefs responsible for the operations of urban firefighting, rural firefighting and SES.

The history of Emergency Services management in South Australia since the mid 1990s can be seen as the movement towards such a structure. The establishment of ESAU was a first attempt to capture shared service efficiencies across the sector and to promote sector-wide thinking on fire and rescue issues. The Dawkins Report took that concept a step further with a common legislative framework for all three ESOs and the establishment of a Commission under legislation to administer the sector. As noted above, the Dawkins proposals would have placed the SAFECOM Chair in a position approaching that of a Chief Executive of Fire and Rescue had they been implemented. The constraint that the ESOs had to agree to any change obviously led to the watering down of the proposal.

The position of SAFECOM Chair is further complicated by two other factors: firstly, the requirement that SAFECOM is responsible for undertaking a leadership role in emergency management and liaising with other bodies responsible for managing emergencies (Section 8 (1) (p) of the F&Es Act) and secondly, the appointment in 2012 of the Chair as head of the newly created Community Safety Directorate (CSD).

These two tasks reflect the fact that, while the provision of fire and rescue services are significant obligations of government, there are other types of emergency situations which also require government response, and there is at least a perceived need for the coordination of government services which have the common goal of protecting the community.

These two roles of the Chair of SAFECOM can be considered in isolation from the Chair's role as Chief Executive of the organisation that provides selected shared services to ESOs, and the role as Chair of the Board.

It is clear that clarification of the CSD and EM roles of SAFECOM and its Chair would assist the sector to better focus on its diverse tasks.

SAPOL noted in their submission that Section 8 (1) (p) is not clear and allows for some confusion to arise as to the nature and scope of SAFECOM's role. They also recommend that the Community Safety Directorate's role in Emergency Management is an area for further discussion and clarification.

While arguing for the removal of the SAFECOM CE as presiding member of the Board and for the devolution of shared services back to their agencies, the three ESO Chiefs also acknowledge that the emergency management (EM) function and CSD roles require further consideration.

Consideration of CSD and EM are largely outside the scope of any review of the F&ES Act but the nature and demands of these duties on the SAFECOM Chair will obviously impact on both the perceptions and effectiveness of how the Chair manages SAFECOM and chairs its Board meetings.

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There are three basic options to address the apparent dissatisfaction with SAFECOM's performance

1. Adopt the practice in most other states, where a Fire and Rescue Chief for the state is appointed to head an Emergency Services Department which comprises the MFS, CFS and SES operating as separately badged entities headed by Deputy Chief Officers, but subject to the overall direction of the one Chief.
2. Remodel SAFECOM along the lines suggested in previous reports so that its Chair has greater authority to enforce a more cooperative culture on the sector.
3. Return the shared services now performed by SAFECOM back to the ESOs (or other agencies) and resolve sector-wide issues through a Board headed by an independent Chair, as proposed by the three ESO Chiefs.

It is the view of this Report (and indeed of many key figures in the sector) that the first option, or some variation of it, is inevitable at some time in the future. It is also noted that the second option is a watered down, and in many ways inferior, version of the first. However, given the reaction by the legislature, government and ESOs to previous reform proposals, it is accepted that these two options may meet resistance.

The following course of action may provide an alternative way forward.

An audit of Emergency Services shared services (see Recommendation 2) would help determine the most efficient and cost effective way to deliver shared services to the sector. A separate section on shared services is included below. If SAFECOM is not the best vehicle to provide shared services to the sector and the Lead Agency model provides a cost effective and viable alternative, then there is no point in retaining SAFECOM as an administrative entity. The important EM function, which is a relatively minor draw on SAFECOM's resources, could be transferred to another agency such as the Department of the Premier and Cabinet, the equivalent of which is ultimately responsible for EM in most other Australian states. The same logic could be applied to the CSD. Without a shared services and EM role SAFECOM becomes simply a Board which does not require a Chief Executive. It would also make sense to rename the Board as Fire and Emergency Services Board. The CE function would logically follow the EM and CSD roles.

The three Chiefs have suggested that an independent Chair be appointed to the Board. If SAFECOM is to become an entity that consists only of a Board, then there is little sense in it having a CE and that CE being Chair. The case for appointing the SAFECOM CE as Chair of the Board derived from the Dawkins Report which, as mentioned above, clearly saw the Chair as a dominant figure in emergency services administration.

If there is no will to strengthen the hand of SAFECOM in emergency services, then an alternative measure might be to appoint each ESO Chief as Chair of the Board on a rotating basis, in a similar manner to the rotation of the Chief of the Defence Force between the heads of Army, Navy and Air Force. If this rotation were on an annual basis in the first instance it would help keep the focus of the three ESO Chiefs on

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shared responsibility for the sector rather than on the needs of their own particular agency. It would ensure that the Chair was an expert in fire and rescue matters and the size of the Board could be reduced. This approach could also be seen as a step in the direction of a more streamlined Fire and Rescue delivery model which applies in most other states.

Should a decision be taken to devolve shared services provided by SAFECOM back to the ESOs and to retain the Board, the F&ES Act should be amended to reflect the changes.

Consideration should also be given to:

- reducing the size of the Board to consist of the three Chief Officers and no more than two independent members.
- appointing each Chief of the three ESOs as presiding member of the Board on an annual rotating basis.
- strengthening the functions of the existing Sector Advisory Committee to better manage the views and concerns of the volunteer associations and unions.
- including a Public Service Association representative on the Sector Advisory Committee.

The proposal that SES assumes responsibility for Emergency Management for the whole state requires careful consideration. Evidence presented to this review by SAPOL and others suggested that there is a need for 'whole of government' coordination of Emergency Management. It is likely this would be best achieved through a central government agency.

The critical function of Emergency Management should be transferred to Department of the Premier and Cabinet in order to provide the strategic leadership and requisite influence over other government agencies.

Under the Chiefs' proposals the staff now providing shared services in SAFECOM would be reassigned to the ESOs. The current staff levels in the Emergency Services sector are shown in Table 1. Under the Chiefs' Lead Agency proposal the SES permanent staff would increase from 40.2 to at most 50 to support about 1600 volunteers and provide Lead Agency services for the Board as well as Emergency Management for the whole state.

There is no doubt that the SES is struggling with the reduced levels of support it now receives from SAFECOM, and its Chief Officer obviously believes the situation could only improve under a devolved model. The capacity of the SES, as the smallest ESO, to survive in such an environment should be examined as part of the proposed audit of shared services. There must be a critical mass of support available to the SES under any governance model.

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Shared Services in the ES sector

The functions that SAFECOM is expected to perform are set out in Section 8 of the F&ES Act (see Appendix D). These functions can be broadly divided into three categories:

- Whole of sector planning, corporate governance and resource allocation
- Leadership in Emergency Management (for disasters other than fire)
- The provision of shared services to the sector.

The CE, Deputy CE and a few staff members who support the SAFECOM Board comprise the corporate governance role.

There are three staff plus 12 Commonwealth/State funded contract positions assigned to Emergency Management.

Most of the staff available to SAFECOM in 2013/14 (42.8 out of 49.8 FTEs) are involved in the provision of shared services to the sector. These shared services can be categorised as: Finance, Procurement, Asset Management, Human Resource Management, Occupational Health and Safety (Prevention and Claims Management), Information Technology (Systems and Help desk), Volunteer Support and Administration.

The shared service functions provided by SAFECOM are only part of the cross emergency sector functions available to the three ESOs.

There are shared service functions provided by:

- Shared Services SA (payroll, accounts payable and accounts receivable);
- Attorney-General's Department (Government Radio Network (GRN) and the SA Computer Aided Dispatch system (SACAD)),
- DPTI (Government Accommodation and Major Project Management); and
- MFS (Call, Receipt and Dispatch).

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The approximate number of FTEs performing identified shared service functions is given below:

Table 2: Approximate Shared Service Function FTEs

Agency	FTEs
SAFECOM	40
AGD (GRN and SACAD)	40
SSSA	10
MFS (Call, Receipt and Dispatch)	50
Total	140

There are other staff within the three ESOs performing roles which are not specific to a particular ESO and which could potentially be considered as shared services.

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An approximate compilation of 'potential' shared services positions is provided in Table 3 below.

It should be noted that this list is indicative only. It may not be comprehensive and there may be sound reasons why some of these functions are retained in the relevant agency.

Table 3: Potential Shared Service FTEs

Agency	MFS	CFS	SES	
Assets/Logistics				
Mgt/Admin/other	5	2	3	
Fleet Mgt	1	4		
Engineering	5			
Building	2	1		
Telecom	1	1.8	1	
Fire Alarms	1	2		
Sub-total	15	10.8	4	29.8
Training				
Mgt/Admin	5	5	2	
Ops training	12	6	2	
Specialist training	3	4	1	
Staff & Curriculum Dev	3	5	1	
Sub-total	23	20	6	49
Community Education				
Mgt/Admin	2	5		
Community Education Officer	4	7.8	1	
Dev Assessment	16	5		
Other (project/policy/web site)		5		
Sub-total	22	22.8	1	45.8
Total				124.6

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Of the approximately 1,200 full-time employees in the Emergency Services sector (i.e. MFS, CFS, SES, SAFECOM and sections of Shared Services SA and the Attorney-General's Department) it can be seen that the numbers of those performing identified shared services for the Emergency Services sector is approximately 140 and there is a similar number of positions (125) performing roles that could be considered to be shared services and potentially managed as such.

Finally, in common with other government departments there is a range of services provided to the ESOs through the private sector such as:

- Across Government Facilities Management Agreement (AGFMA) operated by DPTI;
- Total Apparel Management system (TAMS) which supplies uniforms to the government agencies that were formally part of the Justice Portfolio (CFS, MFS, SES, SAPOL, Correctional Services, SAAS etc.); and
- other services contracted to the private sector (e.g. cleaning, some vehicle servicing etc.).

In summary, the provision of shared services consumes the majority of SAFECOM resources, but is only one of many ways by which such services are provided to the sector. The optimal way for sector shared services to be identified and provided is thus central in any consideration of the future of SAFECOM, and in any assessment of the Chiefs' proposal for a Lead Agency model. It is for this reason that an external audit to examine the business case for the 'in house' or any alternative provision of sector shared services is recommended before a final decision is made on the future of SAFECOM. An obvious benefit of such a review would be the identification of efficiencies within the administration of the sector which could be utilised to improve the service to volunteers and to the public.

Should a Lead Agency model be adopted it is also desirable that the allocation of shared services to an ESO, and the terms of any shared service agreement, be based on an independent analysis and business case.

Operational and Geographic Boundaries

As noted above, the three ESOs cooperate satisfactorily at the scene of an emergency, but the unique SAFECOM governance structure does not easily or speedily deal with any boundary issues between the organisations.

The rigid geographical boundary between MFS and CFS fire operations are provided for in Section 4 of the F&ES Act under the heading: Establishment of areas for fire and emergency services. The MFS has principal responsibility for fire within fire districts which are published in the Government Gazette, while the CFS has principal responsibility for fire in the remainder of the state which lies outside the gazetted fire districts. The urban fire district boundaries approximate the focus, expertise, type of equipment and training of the MFS to deal with structural fire. Likewise, the outside fire district boundary areas approximate the focus, expertise, type of equipment and training of the CFS to deal with bushfire. The efficacy of these boundaries may be brought into question where rapid urban growth occurs at the fringes of cities and towns, or where particularly large and complex industrial structures exist outside fire districts.

In relation to rescue, all three ESOs have responsibilities. The tasking of ESO response through the South Australian Computer Aided Dispatch system (SACAD), which is based on an historically agreed formula, effectively determines which ESO responds to a particular rescue incident. In other words, the operational boundaries for rescue also reflect a geographical formula that was agreed by the agencies and can only be altered by consensus of the ESOs.

Ideally, the response to a fire or emergency should come from the nearest, quickest and most appropriate ESO unit. Issues can arise where the capacity of volunteer units to deploy rapidly to an emergency such as a person trapped in a motor vehicle following a crash may be less than that of a full-time rescue service available for immediate response.

In Mt Gambier, for example, the MFS provides a fully staffed fire and rescue service during working hours, and an on call service staffed by retained firefighters after hours. If a rescue emergency arises in the urban areas of Mt Gambier during working hours the SES is tasked to attend although the MFS is available 'in station' and would almost certainly reach the incident more quickly if tasked to do so.

If the designated ESO does not attend an incident, there are provisions within the F&ES Act for another ESO to exercise control of the emergency. This is provided for in Section 41 (MFS), Section 96 (CFS) and Section 117 (SES) of the Act. However, valuable time may be lost if the tasking of the nearest, quickest and most appropriate response is not made as soon as the incident is reported.

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As mentioned previously, boundary issues such as those cited above can be internally and speedily dealt with within an emergency services departmental structure with one Chief Executive at the top. It is an unfortunate feature of the SAFECOM structure that such issues are far too difficult to resolve and consume an inordinate amount of time and energy of the ESOs. The existence of these boundary issues should in no way be taken as a criticism of the abilities, dedication or commitment of the ESO employees and volunteers who provide a first rate service.

Recommendation 3

That an independent review of the operational and geographic boundaries of the ESOs be conducted recognising the limitations of the current governance structures to adequately address such issues. Such a review needs to be performed periodically, but not less than every 8 years.

Bushfire Management (Part 4, Division 7 & 7A)

Following the recommendations of the Coronial Review of the 2005 Wangary Fire, the Minister for Emergency Services directed that a comprehensive review of Bushfire policy in South Australia be conducted.

The recommendations from this Ministerial Review of Bushfire Management (MRBM) were included in the Murray Review of the F&ES Act and incorporated into the 2009 amendments to the Act.

Amongst the changes recommended by the MRBM was collapsing the former three-tiered (State, Regional and District) framework of Bushfire Prevention Advisory Committees to a two-tiered Bushfire Management system. This included broader stakeholder representation on Regional Bushfire Management Committees and a State Bushfire Coordination Committee (SBCC). It was recommended that the SBCC develop policy, act as a single reference point for a strategic and coordinated approach to bushfire management and be aligned with committees established under the Emergency Management Act 2004.

The SBCC has provided government with a strategic approach and centralised policy development to bushfire management. However, the recommended alignment with the Emergency Management Act has not occurred and therefore the SBCC does not report through committees established under the Emergency Management Act 2004 in the same way all other Hazard Leaders do.

The Emergency Management Act and State Emergency Management Plan provides policy and processes for the management of South Australia's ten significant hazards and allocates a Hazard Leader and Control Agencies for each of these. The Country Fire Service (CFS) is both the Hazard Leader and the primary Control Agency for Bushfire.

Each hazard is defined, measured and managed using the State Emergency Risk Assessment System (SERAS) as part of the COAG endorsed National Strategy for Disaster Resilience and in accordance with the National Emergency Risk Assessment Guidelines (NERAG). Information, planning and decisions are channelled through a zone, state and national framework of committees.

This hazard management system and risk assessment methodology received favourable comments from all stakeholders during consultation including local councils, state departments and emergency managers. However, there is much confusion and disagreement between the methodology used by the SERAS project and that used by the bushfire management process.

Much of the confusion and disagreement arises because the bushfire hazard plan is developed concurrently but quite differently under both the *Emergency Management Act 2004* and the *Fire and Emergency Services Act 2005*.

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This means that, in practice, the CFS has to produce an annual Hazard Leader Plan to comply with the *Emergency Management Act 2004* and an annual State Bushfire Management Plan in accordance with the *Fire and Emergency Services Act 2005*. Currently the methodology used to compile the two plans is substantially different.

Another problematic difference is that the Bushfire Management Areas of the state are different to the Zone Emergency Management Areas (which are the same as the State Government Regions). The Central Local Government Region pointed out that:

'the Flinders - Mid North - Yorke Regional Bushfire Committee cuts across 3 ZEMC regions, 2 CFS Regions, 3 fire ban districts, 2 Natural Resource Management regions and 3 state administration regions'.

Many councils believe that the misalignment between bushfire management processes under the F&ES Act and the Emergency Management Act has led to confusion, misunderstanding, and duplication of effort in some areas:

'the regional bushfire committee is far too big, lacks a community of interest and has resulted in an extremely inefficient use of resources and a highly complicated and illogical link back to planning and policy development in other agencies' (Central Local Government Region submission 2013).

SAPOL in their submission also shared the view that perceived conflict between the management of bushfire hazard under the F&ES Act and the EM Act is leading to unnecessary confusion and duplication of effort.

Recommendation 4

That South Australia's Hazard Leader Plan for Rural Fire, prepared in accordance with the State Emergency Management Plan, replace the F&ES Act requirement for a separate State Bushfire Management Plan.

Divisions 7 and 7a of the Fire and Emergency Services Act 2005 be amended or deleted accordingly.

Bushfire Management Areas be replaced by Zone Emergency Management Committee regions, which are already aligned to South Australian Government Regions.

In their submission, the CFS pointed out a potential conflict of interest since the Chief Officer is the presiding member of the SBCC and many of the functions of the SBCC are carried out by CFS officers. They recommend the Chair of the SBCC be independent and not be employed in any other capacity within the public sector. This position was also supported by the CFSVA submission.

Recommendation 5

Should the State Bushfire Coordination Committee continue to exist under the F&ES Act, then Section 71 of the Act be amended to provide for the appointment of an independent presiding member of the committee.

Fire prevention (Part 4, Division 8)

The general consensus from stakeholders was that the fire prevention powers of the Act are working well but there are a few areas that could be improved.

Section 80 – Total Fire Ban, requires that: ‘the Chief Officer must arrange to have a warning of the imposition of a total fire ban under this section broadcast from a radio station in the State’. The result is that the CFS has to verify that each warning of the imposition of a Total Fire Ban has been actually broadcast by a radio station in South Australia. However, the CFS does not have the power to direct that a radio station broadcasts such an announcement or when it will be broadcast. Similarly, the CFS does not have control over editorial content and whether the broadcast was fully compliant with the advice of the CFS.

Recent Crown Law advice provided to the CFS has indicated that in these circumstances any proceedings for an offence against this section has a good chance of failing if a radio station does not broadcast a warning of the imposition of a total fire ban or the radio station gets the content wrong or does not specifically mention each fire ban district by name.

The CFS believes the requirement for broadcasting the imposition of a total fire ban should not be solely limited to a radio station.

Recommendation 6

Notification of a total fire ban should be broadcast to the public via any means reasonably available. Section 80, parts (2), (5) and (6) be amended so that broadcast fire ban warnings include, but not be limited to, radio stations, internet sites, social media outlets etc.

Permits (Part 4, Division 8, Subdivision 3)

Section 81 – Permit to light and maintain a fire was by far the biggest issue raised by local government, CFS staff and volunteers, albeit with opposing points of view.

While most councils acknowledged that local government has an important role to play in fire prevention, many felt that:

‘the introduction of the CFS “Permit to Light and Maintain Fire Policy”, without prior consultation with the LGA or councils established permit application assessment and management procedures which are impossible for council staff to comply with prior to issuing a permit (Eyre Peninsula LGA submission 2013).’

However, the CFS ‘Permit to Light and Maintain Fire Policy’ states under item 2. Policy Authorisation, that it was developed in consultation with the Local Government Association. Examples of ineffective communication between the CFS and local government were commonly expressed during the consultation phase of the review.

Recommendation 7

A thorough consultative process be developed and implemented between the CFS and local government. This will determine how bushfire management planning can enable improved process and practice to mitigate bushfire risk, and ensure that fire permits are issued and complied with.

The CFS expressed their concern that local government may choose to opt out of issuing permits in local areas and some regional councils have subsequently indicated sympathy towards this approach. Goyder has notified the CFS that as from 1 July 2013 the Council will no longer authorise an officer to exercise the power to issue permits for lighting a fire following consultation with local CFS volunteers.

It is imperative for property controllers to appropriately manage their bushfire risks. This requires convenient access to the permit system in every relevant council district.

The current system for the issuing of permits to burn during the fire danger season certainly seems quite arduous for councils and does not place enough responsibility on the property controllers. The CFS is currently developing an online system – ‘Permit Information Management System’ (PIMS) that will enable property controllers to apply for permits online and automate the necessary notifications. When implemented this system will alleviate many of the issues raised by councils.

Recommendation 8

The Act be amended to require the mandatory appointment of Authorised Officers by each rural council or council that has within its area a Designated Urban Bushfire Risk Area(s) with an option for the CFS Chief Officer to exempt council from this requirement (similar to Section 105B).

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Within the industrial and commercial context, Hot Work Permits are issued and carried out in accordance with AS1674.1-1997. This Australian Standard lists fire and explosion precautions that are far more stringent and comprehensive than conditions required by a Schedule 9 or 10 Permit. This makes the process of obtaining a Schedule 9 or 10 Permit redundant and duplicative when a Hot Work Permit has already been issued.

Recommendation 9

Amend Regulation 41 to exempt the use of prescribed appliances when a Hot Work Permit compliant with AS1674.1 has been issued.

Council Authorised Officers issue permits for a range of activities during the Fire Danger Season, these permits often carry strict conditions to suit the activity and local environment. The Act currently sets out that an expiation notice can only be issued if any of the prescribed conditions are breached. This does not appear to take into account any additional conditions that are imposed by the authorised officer to suit the activity and local environment.

Recommendation 10

Consider whether Regulation 71 be amended to extend the range of offences for which expiation fees apply to include a breach of any permit condition imposed by an authorised officer.

The proposed introduction of the CFS 'Permit Information Management System' (PIMS) will enable property controllers to apply for permits online and automate the necessary notifications. The requirement for permit holders to provide notification prior to commencing burns or hot work (in the absence of a Hot Work Permit) will need to be revised to reflect this new system and changing work practices including centralised call receipt and dispatch.

To suit the new system, Schedule 9 and 10 Forms will need to be revised or possibly eliminated.

Recommendation 11

That the proposed 'Permit Information Management System' (PIMS) be implemented as soon as possible and incorporated into the Call Receipt and Dispatch process. Following implementation, amend Regulation 33 (5) (d) and (10) (c) in line with the automated notification process.

Recommendation 12

Amend Regulation 33 (6) and (8) to include respectively 'notice given' and 'permit application' using the online medium.

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Recommendation 13

Review the format and necessity for Schedules 9 and 10 of the Regulations.

One suggestion was to introduce a year-round requirement to have a permit to burn for some activities. However, this suggestion was vehemently opposed by others. An alternative might be for the Act to refer to a code of practice for burning off.

The Regional Council of Goyder reported the successful trial of a 'seasonal' stubble burning permit from 15/03/2013 to 30/04/2013 (traditionally the stubble burning period). This concept was discussed by many councils and CFS Volunteers during consultation throughout the state and seems worthy of consideration in line with the introduction of the CFS 'Permit Information Management System' (PIMS).

Recommendation 14

Develop a code of practice which is referenced by the F&ES Act for burning off including the option to issue seasonal permits for relevant purposes throughout the State.

Section 94 (4) (c) refers to the 'South Australian Bushfire Prevention Advisory Committee'.

Recommendation 15

Should the State Bushfire Coordination Committee continue to exist under the F&ES Act, amend Section 94 (4) (c) to refer to the 'State Bushfire Coordination Committee'.

Power of direction (Part 4, Division 8, Subdivision 4)

The CFS, in consultation with the Farmers Federation, has established a voluntary Grain Harvesting Code of Practice. The Review heard evidence that this Code has been widely accepted around the state. However, SAPOL does not believe that it is leading to the level of behavioural change required to maintain public safety and it was reported that there are still a few who continue to harvest in unacceptably high risk weather conditions.

Given the wide acceptance of what is a voluntary code, it may be counterproductive to mandate adherence to deal with a few recalcitrants. An alternative may be to extend the existing powers of direction to order the cessation of harvesting where weather conditions are unacceptably dangerous.

In addition, beyond the declared fire danger season, the CFS, police and local government have little power to act against a property controller and there is no provision to require measures to prevent fires or the spread of fire.

Recommendation 16

Consider the amendment of Section 82 (2) to include the power to order the cessation of harvesting or any other actions (including the lighting of fires authorised under Section 81) that because of the weather conditions, may cause a fire, if ignited, to get out of control.

Forest Industry

The rapid expansion of the hardwood industry in the South East of the state has reached the point where there is now more land covered by hardwood plantation than there is softwood. However, some experts believe that the hardwood industry is in rapid decline and there will be no further planting rotations beyond the current cycle. The hardwood industry has a much shorter production cycle than softwood and does not have the same long term land management practices. This also extends to lower levels of fire protection in the hardwood industry generally.

Victoria has a Forest Industry Brigade standard specified in the Victorian Country Fire Authority (CFA) Regulations. It was agreed by all stakeholders that a similar system should be developed for South Australia. Given that many of the major plantation growers in the Green Triangle operate on both sides of the state border they understand the system operating in Victoria, and would be comfortable with such a system in South Australia.

It was generally believed that while the Victorian Regulation does set a minimum standard for Forest Industry Brigades; the current standard is low, especially in comparison with the current service provided by ForestrySA.

Forestry operators suggested that efficiencies for the industry and improved outcomes for the community could be achieved if common firefighting standards and procedures could be developed for Victoria and South Australia.

Recommendation 17

In consultation with stakeholders including CFA, develop a Forest Industry Brigade standard for inclusion in the Fire and Emergency Services Regulations.

Protection from liability (Section 127)

The Local Government Association and many individual councils expressed concerns about the liability council executives may face when responding to emergencies. The LGA submission states:

'The LGA has received legal advice on the question of liability that may attach to a Council CEO should he/she direct staff to participate in an emergency response operation at the direction of an emergency service.'

'The Emergency Management Act section 32 provisions only afford limited protection where the compliance of the direction by (for example a Council CEO) is done in "good faith". The FESA uses the term "an honest act" and would probably apply in a similar fashion to the Emergency Management Act "good faith" exemption. However, the discrete issue appears not to have been tested by a Court.'

'Any amendment to the Emergency Management Act designed to limit the liability of the Council or the Council's CEO will not necessarily offer protection in respect to directions issued under the FESA.'

'The advice that the LGA has received is that the only legislative method that would afford the CEOs immunity would be for both the FESA and the Emergency Management Act to be amended in a like manner.'

'The advice noted that currently the relevant immunity provisions, i.e. section 127 of FESA and section 32 of the Emergency Management Act are not identical. Therefore, a statutory interpretation of these two sections may not have identical outcomes.'

'The amendments would need to expressly render the CEO absolutely immune and indemnified from all liability should they be ordered by emergency service personnel to instruct Local Government employees to comply with a direction from the emergency services.'

This issue was also raised by the SES in their submission:

'It is recommended that legislative provisions be included in F&ES Act that explicitly reference the role of local government as participating agencies within the SES and Fire Functional Services. The sections should also clarify the responsibilities and liabilities for employees directed to work under the control of SES or the fire agencies. Specific attention needs to be given to ensuring that the legislative reform protects councils from liability under the Work Health and Safety Act 2012.'

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It is understood that a review of the Emergency Management Act is in progress and the participation of local government before, during and after emergencies, as well as the issue of local government liability is being examined.

Recommendation 18

That once the review of the Emergency Management Act has been finalised, any reference to the liability of councils should be mirrored in both the EM Act and the F&ES Act.

The CFS Volunteers Association believes that the Queensland Fire and Rescue Services Act 1990 gives stronger protection than the SA legislation. Section 129(3) of the Queensland Act places the burden of proof of negligence and the absence of good faith upon the person alleging to the contrary.

However, John Murray in his review compared the two pieces of legislation and found that the SA legislation, where liability is against the Crown and not the individual, was 'manifestly better in that it stops action against an individual'. 'The burden of proof provision in the Queensland Act does not appear to add any extra protection to those in SA since action cannot be taken against a volunteer in the first instance.'

More recently (April 2013) Associate Professor Michael Eburn, at the Australian National University provided his opinion that:

'Volunteers are not liable for acts done if they are not reckless, negligent or malicious. If you think of the tort of negligence, it stands to reason that to establish liability the plaintiff has to prove that the defendant was negligent.'

and

'members of the emergency services are already given legal protections under relevant legislation so reassuring them that litigation is not a significant personal threat requires more education about the legal process rather than reforms to the law.'

Even though there is significant legal protection for firefighters and, in particular, volunteers, and even though litigation against fire services is rare and none exists against individual firefighters, many volunteers remain concerned. CFS Volunteers are concerned about the risk to their reputations, livelihoods and assets when called to appear to give evidence at various courts of inquiries and other legal proceedings. Such appearances are quite stressful to volunteers who are often asked to give reason for their decisions at the incident in question.

Volunteers should be afforded every possible support throughout this process, including access to a lawyer to explain the process and where possible protect their interests.

In relation to the Wangary Fire Coroner's Inquest, The CFS Volunteers Association said:

'The State Government was very supportive of volunteers throughout that process, which included the provision of legal representation and access to the CFS Stress Prevention and Management Team.'

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and

'the Association is of the opinion that this assistance greatly reduced the stress for witnesses and should serve as a model for any future inquiry that calls on CFS volunteers to give evidence.'

Court proceedings, coronial inquests and other investigations of facts will always require evidence from those who were involved; the challenge is to learn the lessons without sacrificing the goodwill of responders.

It is important that the state continues to provide comprehensive support for volunteers required to appear before public inquiries.

Associate Professor Eburn, and Professor Stephen Dovers of the Australian National University have also made an important contribution to the debate on the assessment of emergency service response to major disasters.

They point out that following major events in Australia there has been at least 34 inquiries into bushfires and bushfire management and at least another 14 inquiries into floods, storms, other natural hazards and reviewing emergency management arrangements.

For reasons of brevity, a collection of salient points from their extensive studies is included below:

Australian emergency management policy suffers from a lack of clear objectives or measures of success. This absence means that agencies, governments and citizens cannot identify whether or not policy objectives are being met and whether the emergency services are succeeding in their tasks or not. Emergency Services and governments cannot predict whether the community will see the outcome as success or failure. The situation is further complicated if there is an opportunity to use a tragedy for political advantage.

Goals such as 'the preservation of life' are aspirational but not always achievable. It is of fundamental importance that governments explain that emergency management involves balancing competing demands. Governments and communities have to accept that some outcomes are the result of political choices made long before and fire, flood or storm impacted. Further to describe something as 'political' is not to suggest that it was inappropriate or made for improper motives; 'political' choices are, in the end, the means by which competing values are balanced within the constraints of available resources.

Governments are elected by property owners, but responsible for both ecological preservation and fire management and have to consider the balance between these competing demands. Inquiries do not and cannot consider the budget implications of their recommendation although this is something governments must do.

Strategic Policy is being driven by the litigation blame game so agencies are focussing on 'what will we be blamed for?' and 'who will be blamed?' rather than how do we improve community safety.

The desire of Commissioners and Coroners to find recommendations to ensure that future tragedies will not occur is understandable, but it implies that they will be able to find the 'weak link' that caused the agencies to deviate from their normal, efficient, adequate response and this 'weak link' converted what should have been an

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emergency into a disaster. With that view, the disaster represents, by definition, and always, a failure of the government and the emergency services. The inference is that if we can identify the weakness we can fix it and it won't happen again.

Disasters are a product of the environment and human choices rather than a failure by government, emergency services, land managers or individuals. Post-event inquiries and processes should be rethought within the frame of lesson-learning rather than seeking fault.

The objective is not that the response was perfect, but that the response went 'reasonably well under the circumstances' remembering that 'excellence is not to be equated with absolute perfection'. (A Schapel, Wangary Enquiry 2007). A review should look to see what went well, so that policy can be developed to do more of the 'good', rather than less of the 'bad'.

A policy and legal reform task could be to establish a 'lessons learnt' centre or process with a statutory basis that sufficiently balanced the community's interests in ensuring that true lessons, including lessons of error or neglect are identified, whilst also protecting members of the emergency services. Processes need to be developed for emergency services such as those used in aviation and medicine, to facilitate open and honest disclosure of errors. An investigation into the conduct of these types of enquiries that maintain public and industry confidence may lead to valuable insights.

The challenge is to enact laws to establish a 'lessons learned' centre or process that sufficiently balances the community's interests in ensuring that true lessons, including the lessons of error or neglect are identified, whilst also protecting members of the emergency services.

No country can resource any emergency service sufficiently to control or combat all hazards, or manage the community response, to prevent all death or destruction. An incident doesn't become a catastrophe because the emergency services are overwhelmed; rather they are overwhelmed because they are facing a catastrophic event.

Recommendation 19

When judging major incidents in the future, consideration be given to Eburn and Dover's proposal to establish processes with a statutory basis that sufficiently balance the community's interests in ensuring that true lessons, including lessons of error or neglect, are identified, whilst also protecting members of the emergency services. Processes need to be developed for emergency services such as those used in aviation and medicine, to facilitate open and honest disclosure of errors.

Volunteer Marine Rescue Associations

Currently there is no reference to Volunteer Marine Rescue (VMR) Associations within the Act, or Regulations. As such, they have no legislated powers or obligations. In South Australia, VMR Associations perform a vital response role to marine emergencies that is identical in all respects to that of other volunteer emergency services, particularly the SES.

This role is recognised and supported by the State Government, and VMR Associations are named within the Emergency Services Funding Act 1998. The VMR role is also acknowledged within the National Marine Search and Rescue Plan as a resource under the coordination of SAPOL.

It would be appropriate to consider options for inclusion of the VMR within the Act so as to provide for powers at the scene of an emergency and grant the indemnity currently afforded SES and SACFS volunteers.

Recommendation 20

SES be given a power 'to register, subject to any conditions the Chief Officer SES considers appropriate, suitable organisations (such as Volunteer Marine Rescue Associations) as affiliated organisations of the State Emergency Service'.

Recommendation 21

Should the SES be given the power 'to register suitable organisations', then the 'other person' in Section 127 – Protection from liability, could be defined to include members of organisations affiliated to emergency service organisations.

Employment Conditions

It was put to the Review that some employment conditions under the F&ES Act now differ from elsewhere in the public service since the passage of the *Public Sector Act 2009*. Some PSA representatives felt that the F&ES Act is silent on the majority of conditions of employment and it would be appropriate to formally refer to the Public Sector Act for conditions of employment.

The MFS has proposed the adoption of the Public Sector Code of Conduct and alignment of the F&ES Act with sections 52 to 57 (inclusive) of the Public Sector Act. The MFS also pointed out that Section 29 does not reflect contemporary management practices, for example subsection (3) requires the display of a written notice of any nomination (for appointment) to be placed in a prominent place in the work place for a period of not less than seven days. The current internal MFS communications systems have long since superseded such labour intensive processes.

Likewise the SES submission recognises the disparity between the employment conditions of the two Acts:

There is ambiguity with respect to discipline arrangements for employed officers and staff within the SES. This is especially the case where a staff member is also a volunteer within an SES unit. The disciplinary provisions of regulations per s62(1) of the regulations suggest that they apply only to volunteers of a unit. This could be amended to provide for consistent measures for both employees and volunteers e.g. 'A member of SES staff or unit who...' This would clear up ambiguity as to whether these regulations apply to staff as well as volunteer members.

Whilst it would be preferable to have the same rules apply to staff and volunteers there may also be merit in explicitly referencing or mirroring Public Sector Act 2009 provisions such that the Chief Officer can (a) reprimand an employee of the agency; or (b) suspend an employee of the agency from duty with or without remuneration or accrual of leave rights for a specified period, on the ground of the employee's misconduct.

In addition there is a need to also provide powers that afford the agency the option of reduction in remuneration levels as an outcome of disciplinary or administrative action. It is recommended that the provisions of s54 of the Public Sector Act 2009 be mirrored or referenced.

Any changes to the above provisions will clearly need to be the subject of consultation with employee and volunteer representative organisations.

Recommendation 22

Review employment conditions under the F&ES Act to align with those under the Public Sector Act unless there is a compelling reason to the contrary.

Volunteers

The Review heard many concerns about the future availability of volunteers. Although they have not yet reached a critical point, volunteer numbers are likely to decline significantly over the next decade due to the ageing population and greater demands on people's time. This is particularly an issue for smaller rural communities that have seen amalgamation of farms and a loss of population to larger centres.

The disincentives to volunteering included the issue of liability and fear of cross examination (this has been considered previously), the increased paperwork that has been imposed on volunteers (particularly those in leadership roles), changes to health and safety requirements and other increased legislative compliance.

Another disincentive to volunteering is employment insecurity. The SES has requested that provisions be included within the Act so that SES volunteers are protected from dismissal if they are absent from work to respond to an emergency. This legislative protection exists for SES volunteers in other states and an example clause (from the Tasmanian Emergency Management Act 2006) is provided below:

'a person who is absent from his or her usual employment for the purposes of participating in emergency management, or participating in a rescue and retrieval operation during or after an incident or other event that is the reason for the operation, is not liable for dismissal or loss of long service leave, sick leave, recreation leave or other benefits to which he or she may be entitled under any industrial award or agreement or under any law by reason only of that absence (whether or not his or her usual employer has consented to that absence) provided that the person is a member of, or has a member-like association with, the SES and was requested by or on behalf of the SES to participate in the emergency management or rescue and retrieval operation or no such request was made, but it would be reasonable to expect that, if the circumstances had permitted the making of such a request, it is likely that such a request would have been made.'

The Review heard that in challenging economic times employers are more reluctant to release staff to attend fires and other emergencies. This applies to retained firefighters as well as volunteers. The availability of volunteers has been further exacerbated in towns where there has been a reduction in government employees.

Some volunteers suggested that some form of compensation or incentive be provided to those employers who support emergency service volunteers.

Recommendation 23

Greater attention needs to be given to the recruitment and retention of volunteers in alignment with the National Emergency Management Volunteer Action Plan. Consideration should also be given to measures including:

- Increased administrative support for volunteers
- Targeted recruitment of people with office skills
- Legislative protection from dismissal

Miscellaneous

There were a number of technical issues raised by the ESOs relating to apparent anomalies or ambiguities in the Act. These and other matters are discussed below and where considered appropriate amendments to the Act have been recommended to address or clarify the issues.

Section 3 – Definition of Emergency

Wherever possible, it is desirable that definitions are consistent across related Acts. SAPOL has recommended:

‘...that the definition of ‘emergency’ contained within Section 3 of the F&ES Act should be replaced with the definition contained within Section 3 of the Emergency Management Act 2004. This amendment will ensure that provisions of the Emergency Management Act are able to be clearly applied as intended and contained within the F&ES Act in a seamless manner. It is noted that this definition is amended for the specific operation of Part 3, Division 5 of the F&ES Act and its use in that part is appropriate.’

The Review notes that the definitions are identical with the exception of an explanatory note added to the definition in the EM Act.

Section 28 – Deputy Chief Officer and Assistant Chief Officers.

The Chief Officer of the MFS believes that he should have the ability to manage his own staff and structure the MFS accordingly and this section should therefore be amended to provide for the appointment of one or more Deputy Chief Officers and Assistant Chief Fire Officers. This proposed amendment also reflects a minor title change to the aforementioned rank.

Recommendation 24

Amend Sections 28, 61 and 110 to provide the Chief Officers greater flexibility over organisational structure.

Section 35 – Fire and emergency safeguards

SAPOL recommends:

‘... that consideration be given to the provisions of Sections 35-39 being expanded to include public safety at any location within the State, or a similar provision be included into the powers of the Country Fire Service. Section 86 does not contain the same scope of provisions. Section 35-39 allows a temporary public event that may contain a large number of the public to be inspected within a fire district only to ensure safety and compliance with regulations. Sections 35-39 provide a key public safety power that is not available in large parts of the State.’

Review of the Fire and Emergency Services Act 2005

The Review notes the MFS is the Hazard Leader for Urban Fire for the state and has the necessary expertise and resources to exercise these powers. Granting the CFS similar authority should be given but this should not lead to a duplication of resources.

Recommendation 25

That the F&ES Act be amended to enable fire safety inspections in and outside fire districts.

Section 38 – Closure Orders

Section 38 provides the MFS with the power to ‘close’ a public building. Interpretation of this power has recently been questioned. *‘Does this power mean evict the public, close the doors, lock the doors, can the occupiers/workers remain? There is nothing in the legislation which requires people to leave the building when it is ‘closed’ unless the issue relates to overcrowding.’*

48 hours may not be sufficient time to allow for an application to be made to the Magistrates Court for an extension to the closure order. It may be better if the closure order could be in effect until the first available opportunity to make an application to the Magistrates Court.

Subsection (5) (b). It may be more appropriate to state the conditions that are required to be met for the rescinding of the closure order.

Subsection (7). This should indicate the Chief Officer or Authorised Officer can only rescind a Closure Order issued by the Chief Officer or an Authorised Officer.

Subsection (11) should include that only a Magistrate can rescind an order issued under subsection (9)

Subsection (8) same comment as Subsection (7) – it may be more appropriate to state the conditions for the rescinding of the closure order.

Recommendation 26

The F&ES Act be amended to clarify the meaning of ‘closure’ in Section 38 and that provisions relating to the extension and rescission of closure orders be reviewed.

Section 42 – Engagement of Contractors

Section 42 deals with the powers of the MFS at the scene of a fire or other emergency. Subsection (5) enables the cost recovery of contracted services where those services are engaged by an MFS officer *‘in control at the scene of a fire or other emergency’*.

During protracted or large scale incidents the Logistics Officer or other Senior Officers may engage a contractor or arrange for a service to be provided on behalf of the Incident Controller. Subsection (5) should not restrict the engagement of contractors to just the Officer in control at the scene but allow for any appropriate Senior Officer to exercise this power.

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Subsection (6) requires the Chief Officer to sign a certificate in any proceedings under subsection (5). This authority should be able to be delegated to any Senior Officer.

The same issue applies to the CFS in Section 97 (10) and (11) and the relevant section to the SES (Section 118) which do not currently allow for the engagement of contractors or cost recovery at all.

Recommendation 27

Sections 42 and 97 be amended to provide greater flexibility in the engagement of contractors by Senior MFS and CFS Officers. Consideration be given to providing similar powers in Section 118 to enable the SES to engage contractors.

Section 70 – CFS Volunteer Leadership Positions

Part 4, Division 6, Section 70 (5) states that ‘a person is not eligible to be elected as a group officer or brigade captain if he or she is employed by the SACFS’. The CFS would like to include the rank of brigade lieutenant in this section. The CFS believes that the command structure at an incident could be compromised if a senior paid officer acts as a volunteer in a lower ranked leadership role.

Recommendation 28

Section 70 (5) be amended to preclude a person from being elected as a group officer, brigade captain or brigade lieutenant if he or she is an employee of the CFS.

Section 105H – Railway land issues

The CFS and local government have raised concerns about enforcing fuel reduction (Part 4A, Division 3 - Duties to prevent fires), particularly on land where the ownership is not clear, e.g. disused railway corridors. In many cases these corridors pass through towns and can present a significant fire risk.

Recommendation 29

Government in conjunction with the CFS identify the ownership of disused railway corridors which may pose a significant fire risk and ensure the agency or individual responsible for the land complies with legislative requirements.

Section 108 – Extreme Weather

Under the State Emergency Management Act 2005 and the State Emergency Management Plan the SES is the Hazard Leader for *extreme weather*. However, the SES’ functions and powers under the F&ES Act refer only to ‘*flood or storm damage*’ [Section 108 (1) (d) (i)]. The SES believes their functions and powers should also be amended to reflect the service’s community education role as Hazard Leader, e.g. ‘*to provide advice and information to the community and other stakeholders regarding storms and extreme weather*’.

Recommendation 30

Amend the F&ES Act to reflect the SES expanded responsibilities as Hazard Leader for ‘Extreme Weather’ including their community education role.

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Section 109 – Functions of the SES Chief Officer

Currently the Act remains silent on the appointment and termination or disqualification of volunteer SES members. This is a significant omission as the service currently maintains an administrative process which includes an assessment of a potential member's suitability for service within the SES.

The SES Chief Officer believes ambiguity exists between the appointment and powers of volunteer officers as opposed to employed officers. He also believes the powers of command and control as they relate to volunteer officers are unclear.

While the Act provides the Chief Officer with broad ranging powers (Section 109) similar to those of the Chief Officer of the CFS, it does not specify a command structure for the SES.

Recommendation 31

The power of the Chief Officer to appoint officers from the staff of the SES as well as appoint volunteer officers of the SES be clarified. A command structure section (similar to Section 70) be incorporated into the Act and include the power to register, appoint, disqualify and terminate volunteer members.

Section – 128 Exemptions from certain rates and taxes

Section 128 of the F&ES Act provides that all emergency service organisations are exempt from water and sewerage rates and the emergency services levy. It has been brought to the attention of the Review that the ESOs are still paying some water and sewerage charges. It has also been claimed that some councils are charging levies to ESOs for Septic Tank Effluent Disposal Schemes (STEDS).

Recommendation 32

Clarify that Section 128 of the F&ES Act is not compromised by any other legislation.

Section 134 – Farm Units

The CFSVA is seeking a review of Section 134 – Unauthorised Fire brigades, as it may be considered that a group of farm fire units at an incident may contravene this section. The CFSVA would like to ensure that persons using their own equipment are fully protected by the Act.

Recommendation 33

Review Section 134 to ensure that it is not a deterrent to a group of farm fire units operating at an incident.

Section 142 – Costs and expenses for certain vessels

Section 142 provides the MFS and CFS the power to recover costs incurred from attending the scene of a fire or other emergency occurring on any vessel for which an emergency services levy has not been paid. This power does not currently extend

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to the SES which appears inconsistent as the service routinely performs marine rescues.

Recommendation 34

Section 142 be amended to include the SES.

Section 143 – Fees

The MFS has experienced problems in attempting to recover outstanding fees regarding the monitoring and attendance to fire alarms and other services that the MFS provides.

Recommendation 35

Amend Section 143 to strengthen the capacity of the ESOs to recover outstanding debts (e.g. penalty for late payment provisions).

Regulation 18 – CFS Health and Safety Reps

Under F&ES Regulation 18 CFS group elections are conducted bi-annually while the provisions of the *Work Health and Safety Act 2012* (Section 64) require the election of Health and Safety representatives every three years.

For convenience the CFS believes that Health and Safety Representatives should be elected concurrently with the bi-annual group election.

The Review understands this matter is currently under consideration by SafeWorkSA and CFS but is legally complex as national agreements may be affected.

Recommendation 36

If possible the terms of election for CFS Health and Safety Representatives be aligned with group elections.

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Regulation 64 – Dissolution of SES units

The SES believes the existing requirements for the dissolution of an SES unit are onerous, complex and unnecessary. The requirements as specified in the regulations appear to be a legacy requirement probably stemming from the transition from council run SES units to a centralised state run service. Restructures within the service will from time to time necessitate the merging or disbanding of a unit where it would be inappropriate to hold public meetings simply to dissolve the unit. For example, the recent restructure has led to regional operational coordination units merging or morphing into district units. To formally close those units that no longer exist creates additional unwarranted work and concern within communities.

Recommendation 37

The requirement to consult with members of the unit and the SES VA before an SES Unit is dissolved should remain but the need for public meetings be removed from the regulations

Indemnity for interstate deployment

The Victorian Country Fire Authority Act, Section 93A, provides for the control over interstate fire services present in Victoria for the purpose of preventing or suppressing a fire. South Australia does not have any complementary legislation.

Recommendation 38

Amend the F&ES Act to provide for the operation of interstate fire and emergency service workers in South Australia. The issue of liability may need to be considered.

CONCLUSIONS

Emergency services in South Australia are at a cross road. On one level South Australians can feel safe and secure in the knowledge that their three ESOs are collectively a well-managed, professional, dedicated, highly trained and well equipped group of paid and volunteer personnel who provide a fire and rescue service the equal of any in the world.

On another level, eight years after the South Australian Fire and Emergency Services Commission (SAFECOM) was established to provide a more cooperative and collegiate approach to governance of the sector, there is a widespread view that the unique model provided by SAFECOM is not working as well as it should.

Many (including the authors of the Dawkins Report, which proposed its establishment) expected SAFECOM through its CE as Presiding Member of the Board to provide strong leadership and direction to the sector.

SAFECOM has struggled to meet the expectations of the ESOs as a service provider because of constrained resources, and it has not delivered strong leadership to the sector because of weaknesses in the structure of its board.

Retaining SAFECOM in its current form would be a poor outcome for emergency service workers and the community.

The joint proposal by the Chief Officers of the three ESOs would effectively dismantle SAFECOM as a corporate agency and strip its CE of any relevance.

Interstate experience has demonstrated that a departmental structure with ESOs reporting to one Chief Executive has provided the most successful model for emergency services management.

In South Australia it has been a long accepted condition for emergency services' reform that all three agencies must support any major restructure. Whilst acknowledging the need for widespread support, a single department model will clearly deliver improved governance of the emergency services and should be carefully considered at this time.

An audit which considers the delivery of shared services would be a useful first step to assess and develop an implementation plan for either a single department model or in the interim, the Chiefs' Lead Agency proposal, where any shared services to the whole sector would be provided by ESOs acting as a lead agency for each shared service.

In the absence of a single department model, achieving collegiate governance and efficient resource allocation requires the existence of a focussed and effective Board. An arrangement with the three Chiefs as voting members (as originally proposed by the Dawkins Report) is more likely to achieve this.

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Appointing each Chief of the three ESOs as presiding member of the Board on an annual rotating basis would help to keep focus on the shared responsibility for the whole sector.

The important views and concerns of the volunteer associations and unions could be better managed by strengthening the functions of the existing Sector Advisory Committee.

The volunteer members of the CFS and SES are fundamental to emergency management in South Australia. Their value and importance is recognised and highly regarded by the South Australian community.

Volunteers and the commitment they bring to the community through prevention, preparedness, response and recovery activities remain the core strength of the emergency services. With the significant changes under consideration it is vitally important that consultation and communication with volunteers is maintained.

RECOMMENDATIONS

Recommendation 1

That the MFS, CFS and SES be incorporated into a departmental structure under the direction of a Chief Executive based on interstate developments over the past two decades, which establishes this arrangement as the benchmark for the governance of Emergency Services in Australia. The MFS, CFS and SES would operate as separate units under the ultimate direction of the CEO.

Recommendation 2

An external audit of shared services performed by SAFECOM and services now provided by the three ESOs which have the potential to be shared, be undertaken to determine the most efficient and cost effective way such services can be delivered to the sector. The three ESO Chiefs need to have input into this process.

Recommendation 3

That an independent review of the operational and geographic boundaries of the ESOs be conducted recognising the limitations of the current governance structures to adequately address such issues. Such a review needs to be performed periodically, but not less than every 8 years.

Recommendation 4

That South Australia's Hazard Leader Plan for Rural Fire, prepared in accordance with the State Emergency Management Plan, replace the F&ES Act requirement for a separate State Bushfire Management Plan.

Divisions 7 and 7a of the Fire and Emergency Services Act 2005 be amended or deleted accordingly.

Bushfire Management Areas be replaced by Zone Emergency Management Committee regions, which are already aligned to South Australian Government Regions.

Recommendation 5

Should the State Bushfire Coordination Committee continue to exist under the F&ES Act, then Section 71 of the Act be amended to provide for the appointment of an independent presiding member of the committee.

Recommendation 6

Notification of a total fire ban should be broadcast to the public via any means reasonably available. Section 80, parts (2), (5) and (6) be amended so that broadcast fire ban warnings include, but not be limited to, radio stations, internet sites, social media outlets etc.

Recommendation 7

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A thorough consultative process be developed and implemented between the CFS and local government. This will determine how bushfire management planning can enable improved process and practice to mitigate bushfire risk, and ensure that fire permits are issued and complied with.

Recommendation 8

The Act be amended to require the mandatory appointment of Authorised Officers by each rural council or council that has within its area a Designated Urban Bushfire Risk Area(s) with an option for the CFS Chief Officer to exempt council from this requirement (similar to Section 105B).

Recommendation 9

Amend Regulation 41 to exempt the use of prescribed appliances when a Hot Work Permit compliant with AS1674.1 has been issued.

Recommendation 10

Consider whether Regulation 71 be amended to extend the range of offences for which expiation fees apply to include a breach of any permit condition imposed by an authorised officer.

Recommendation 11

That the proposed 'Permit Information Management System' (PIMS) be implemented as soon as possible and incorporated into the Call Receipt and Dispatch process. Following implementation, amend Regulation 33 (5) (d) and (10) (c) in line with the automated notification process.

Recommendation 12

Amend Regulation 33 (6) and (8) to include respectively 'notice given' and 'permit application' using the online medium.

Recommendation 13

Review the format and necessity for Schedules 9 and 10 of the Regulations

Recommendation 14

Develop a code of practice which is referenced by the F&ES Act for burning off including the option to issue seasonal permits for relevant purposes throughout the State.

Recommendation 15

Should the State Bushfire Coordination Committee continue to exist under the F&ES Act amend Section 94 (4) (c) to refer to the 'State Bushfire Coordination Committee'.

Recommendation 16

Consider the amendment of Section 82 (2) to include the power to order the cessation of harvesting or any other actions (including the lighting of fires authorised

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under Section 81) that because of the weather conditions, may cause a fire, if ignited, to get out of control.

Recommendation 17

In consultation with stakeholders including CFA, develop a Forest Industry Brigade standard for inclusion in the Fire and Emergency Services Regulations.

Recommendation 18

That once the review of the Emergency Management Act has been finalised, any reference to the liability of councils should be mirrored in both the EM Act and the F&ES Act.

Recommendation 19

When judging major incidents in the future, consideration be given to Eburn and Dover's proposal to establish processes with a statutory basis that sufficiently balance the community's interests in ensuring that true lessons, including lessons of error or neglect, are identified, whilst also protecting members of the emergency services. Processes need to be developed for emergency services such as those used in aviation and medicine, to facilitate open and honest disclosure of errors.

Recommendation 20

SES be given a power 'to register, subject to any conditions the Chief Officer SES considers appropriate, suitable organisations (such as Volunteer Marine Rescue Associations) as affiliated organisations of the State Emergency Service'.

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Recommendation 23

Greater attention needs to be given to the recruitment and retention of volunteers in alignment with the National Emergency Management Volunteer Action Plan. Consideration should also be given to measures including:

- Increased administrative support for volunteers
- Targeted recruitment of people with office skills
- Legislative protection from dismissal

Recommendation 24

Amend Sections 28, 61 and 110 to provide the Chief Officers greater flexibility over organisational structure.

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Recommendation 25

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The F&ES Act be amended to clarify the meaning of 'closure' in Section 38 and that provisions relating to the extension and rescission of closure orders be reviewed.

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Section 70 (5) be amended to preclude a person from being elected as a group officer, brigade captain or brigade lieutenant if he or she is an employee of the CFS.

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Government in conjunction with the CFS identify the ownership of disused railway corridors which may pose a significant fire risk and ensure the agency or individual responsible for the land complies with legislative requirements.

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Amend the F&ES Act to reflect the SES expanded responsibilities as Hazard Leader for 'Extreme Weather' including their community education role.

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Recommendation 32

Clarify that Section 128 of the F&ES Act is not compromised by any other legislation.

Recommendation 33

Review Section 134 to ensure that it is not a deterrent to a group of farm fire units operating at an incident.

Recommendation 34

Section 142 be amended to include the SES.

Recommendation 35

Amend Section 143 to strengthen the capacity of the ESOs to recover outstanding debts (e.g. penalty for late payment provisions).

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Recommendation 36

If possible the terms of election for CFS Health and Safety Representatives be aligned with group elections.

Recommendation 37

The requirement to consult with members of the unit and the SESVA before an SES Unit is dissolved should remain but the need for public meetings be removed from the regulations.

Recommendation 38

Amend the F&ES Act to provide for the operation of interstate fire and emergency service workers in South Australia. The issue of liability may need to be considered.

REFERENCES

AS1674.1–1997 Safety in welding and allied processes – Fire precautions

Country Fire Authority Regulations 2004: <http://www.legislation.vic.gov.au/>

Country Fire Authority Act 1958: <http://www.legislation.vic.gov.au/>

Dawkins, J., Baker, S., McKay, R. (2003), Emergency Services Review: Report of the Task Force (The Dawkins Report)

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SA Department of Treasury and Finance: Budget Papers 2005/06 – 2013/14

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APPENDIX A

Section 149 - Review of the Act

- 1) The Minister must cause a review of the operation of this Act to be conducted and a report on the results of the review to be submitted to him or her.
- 2) The review must relate to the period between the commencement of the Fire and Emergency Services (Review) Amendment Act 2009 and 30 March 2013.
- 3) The Minister must ensure that a review under this section is conducted by a person who has, in the opinion of the Minister, appropriate knowledge and experience to undertake the review but who is not a member or former member of an emergency services organisation.
- 4) The review must be commenced as soon as is reasonably practicable after 30 March 2013 and the report must be submitted to the Minister by 30 September 2013.
- 5) The Minister must, within 12 sitting days after receiving the report under this section, have copies of the report laid before both Houses of Parliament.

APPENDIX B

Communications Plan

Timing	March to April 2013
Communication objectives	<ul style="list-style-type: none">• Raise awareness that the Government is undertaking a review of the Fire and Emergency Services Act 2005.• Encourage key stakeholders to attend stakeholder and community engagement sessions to be held across the state during April and provide written submissions by 5.00 pm Friday 26 April 2013.
Target audience	<p>Primary</p> <ul style="list-style-type: none">• South Australian Fire and Emergency Services Commission• Country Fire Service• Metropolitan Fire Service• State Emergency Service• Unions including the Public Service Association, CFS Volunteer Association, SES Volunteer Association, United Firefighters Union• Local Government• Members of the State Emergency Management Committee• Members for the SA Emergency Management Council <p>Secondary</p> <ul style="list-style-type: none">• South Australian community• Other emergency service and government agencies: SA Police, Department of Environment, Water and Natural Resources, Department of Primary Industries and Resources, SA Ambulance Service, Attorney-General's Department, Department of the

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Premier and Cabinet

- Members of Parliament
- Summary of campaign
- 5 March 2013 – Ministerial statement issued by the Minister for Emergency Services
 - 16 March 2013 – Public Notice , The Advertiser
 - Information on the review will be available from the website www.safecom.sa.gov.au
 - W/e 22 March 2013 – Letters to key stakeholders
 - April 2013 - Stakeholder and community engagement sessions will be undertaken in Adelaide, Willaston, Mount Barker, Mount Gambier, Port Augusta, Port Lincoln, Crystal Brook and Renmark.
 - 26 April 2013 – Submissions close

APPENDIX C

List of written or oral submissions:

Members of Parliament:

Hon Rob Brokenshire MLC

Hon Carmel Zollo MLC

Member for Chaffey, Tim Whetstone MP

Member for Finniss, Michael Pengilly MP

Member for Fisher, Hon Dr Bob Such MP

Member for Schubert, Ivan Venning MP

Member for Taylor, Leesa Vlahos MP

SAFECOM Board members:

Chris Beattie MBA BSc (Hon)

Susan Caracoussis

Helen Chalmers

Tony Harrison

Virginia Hickey

Grant Lupton AFSM BGS MIFireE CPMgr FAIM

Greg Nettleton

Joe Szakacs

Wayne Thorley AFSM

Vince Monterola OAM AFSM (Former Board Member)

Agencies:

Attorney-General's Department

Department of Environment, Water and Natural Resources

Environmental Protection Authority SA

Review of the Fire and Emergency Services Act 2005

Primary Industries and Regions SA

Forestry SA

SA Country Fire Service

SA Fire and Emergency Services Commission

SA Metropolitan Fire Service

SA Police

SA Sea Rescue Squadron

SA State Emergency Service

SA Water

Local Government:

Barossa Council

Central Local Government Region of South Australia

District Council of Yorke Peninsula

Local Government Association

Local Government Association – Eyre Peninsula

Port Pirie Regional Council

Zone Emergency Management Committee, Adelaide Hills, Fleurieu Peninsula & Kangaroo Island

Zone Emergency Management Committee, Limestone Coast

Volunteer and Member Associations:

Country Fire Service Volunteers Association

Public Service Association of SA

State Emergency Service Volunteers Association

United Firefighters Union (SA Branch)

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Individuals:

Associate Professor Michael Eburn BCom LLB BA (Hons) LLM MPET PhD

Peter Heylen

Scott Kennedy, Norton Summit Country Fire Service

John Murray APM BA LLB MBA

Craig Parsonage

Peter Willmott ESM State Emergency Service, Eastern Suburbs Unit

CFS, MFS and SES staff and volunteers from:

Naracoorte

Mount Barker

Mount Gambier

Port Augusta

Port Lincoln

Renmark

Willaston

APPENDIX D

Fire and Emergency Services Act 2005 – SAFECOM functions and powers

Section 8—Functions and powers

(1) *The Commission has the following functions:*

- (a) to develop and maintain a strategic and policy framework across the emergency services sector;*
- (b) to develop and implement a framework of sound corporate governance across the emergency services sector;*
- (c) to ensure that appropriate strategic, administrative and other support services are provided to the emergency services organisations;*
- (d) to ensure that appropriate strategic and business plans are developed, maintained and implemented across the emergency services sector;*
- (e) to provide for the effective allocation of resources within the emergency services sector;*
- (f) to ensure that the emergency services organisations have appropriate systems and practices in place—*
 - (i) to provide for effective management and planning; and*
 - (ii) to monitor management performance against plans and targets, and to take corrective action as necessary;*
- (g) to ensure that the emergency services organisations maintain appropriate risk management systems and practices;*
- (h) to ensure that the emergency services organisations regularly review, and revise as necessary, their plans, structures, systems, targets and practices to address changing circumstances and to improve the provision of emergency services and business practices;*
- (i) to ensure that the emergency services organisations meet their statutory responsibilities and comply with the provisions of this or any other relevant Act;*
- (j) to ensure the observance of high ethical standards within the emergency services sector;*
- (k) to foster and support career development opportunities for officers and staff within the emergency services sector;*
- (l) to support and encourage voluntary participation in SACFS and SES, and to foster and support personal development opportunities for members of the emergency services organisations;*

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- (m) to recognise outstanding achievements of persons who are involved in the provision of fire and emergency services, or who take action or assist at the scene of any fire or emergency or who otherwise support the objectives or activities of the emergency services sector (or any part of that sector), within any part of the State;*
- (n) to ensure that there is effective consultation with the community in relation to the operation of this Act;*
- (o) to disseminate knowledge in the field of fire and emergency services in order to advance community safety;*
- (p) to undertake a leadership role from a strategic perspective with respect to emergency management within the State and to maintain an appropriate level of liaison with other bodies responsible for the management of emergencies in the State;*
- (q) to provide regular reports to the Minister on the activities and performance of the emergency services sector;*
- (r) to provide to the Minister reports or advice in relation to the operation of this Act or the provision of emergency services under this Act;*
- (s) to perform any other function assigned to the Commission by or under this or any other Act.*

Appendix E

Interstate Fire Services

There is no consistent organisational structural approach to the provision of fire and rescue services within Australia. Traditionally, fire services have consisted of paid firefighters who provide firefighting and rescue services within the urban context and volunteer firefighters who provide fire and rescue services within the rural environment. This particular model unanimously existed around the country until there was an amalgamation of services within Queensland.

Queensland Fire and Rescue Service

In 1990, Queensland closed some 90 boards by bringing together urban and rural firefighting services within a single entity structure and accountability to a single Chief Executive.

Today, the Queensland Fire and Rescue Service (QFRS) is a division of the Department of Community Safety and the primary provider of fire and rescue services throughout Queensland. The QFRS is divided into seven regions with regional Assistant Commissioners holding operational and financial responsibility for their region. The Rural Fire Service is part of the QFRS and is divided into 15 districts, grouped into two regions. The QFRS employs both full time and part time (auxiliary firefighters) with volunteer firefighters making up the state's almost 2,000 rural fire brigades.

Victorian Fire Commissioner

In 2009, the *Victorian Bushfires Commission* comprehensively reviewed the bushfires of 17 February 2009 which caused the death of 173 people and a massive loss of property and infrastructure. The Commission conducted an extensive investigation into the causes of, the preparation for, the response to and the impact of the fires that burned throughout Victoria in 2009.

Recommendations emanating from the Commission's work gave priority to future protection of human life, and were designed to reflect a shared responsibility by governments, fire agencies, communities and individuals in relation to minimising the prospect of a tragedy of the scale that was experienced across Victoria.

The Commission made many findings with respect to the coordination of response activities within individual agencies and across government agencies. Many of the concerns identified related to operational matters such as control, interoperability and interagency standards, leading the Commission to conclude that a focus on improving operational capability was required. The Commission concluded that previous attempts to improve coordination had failed. But, the Commission was not persuaded that radical reform, such as moving to a single fire service, was

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necessary or desirable at the time the Commission made its findings. This was based on a view that a risk existed that a merger itself would become the primary focus of effort, which could easily distract attention and focus from operational improvements that the Commission considered to be of higher priority.

The Commission did conclude that the absolute priority was to improve operational performance and recommended improvements to common operational policy and standards, stronger coordination and unambiguous command and control, greater interoperability, and a strengthened capacity to provide an integrated response.

Since the findings by the Commission and in accordance with its recommendations, a Fire Commissioner has been appointed who has the ability to direct the Chief Officers of agencies on operational matters in preparation for and on extreme and code red days and for level 3 fires. In addition, the Fire Commissioner has been charged with far reaching responsibilities to improve service delivery, capacity and resilience in respect to the provision of fire and rescue services. The Victorian Fire Services Commissioner is the State Controller for major fire response in Victoria and the most senior operational firefighter in the state.

Fire and Emergency Services Authority (FESA) of Western Australia

The report titled '*A Shared Responsibility – The report of the Perth Hills Bushfire February 2011 Review*', was commissioned by the Western Australian Government in response to the Perth Hills bushfire on 6 February 2011, in the Roleystone-Kelmscott area of the Perth hills. The fire destroyed 71 homes and damaged a further 39. A report prepared by Mr Mick Keelty AO contained 55 recommendations which were endorsed in-principle by the government and has since resulted in significant structural change in respect to fire and emergency services within the state of Western Australia. Furthermore, following the Margaret River bushfire of November 2011, the government again commissioned Mr Keelty to examine and report on the causes of the fire which also supported the need for reform.

The Fire and Emergency Services Authority (FESA) of Western Australia was established on 1 January 1999 under the *Fire and Emergency Services Authority of Western Australia Act 1998*. More recently, a significant number of changes have been made to the legislation which has allowed for the establishment of the Department of Fire and Emergency Services.

The Department performs a critical role in coordinating emergency services for a range of natural disasters and emergency incidents threatening life and property.

The Department consists of more than 1,100 paid career firefighters and a network of 32,000 fire and rescue volunteers who operate within individual fire and rescue agencies. The Department is overseen by the Fire and Emergency Services Commissioner who is responsible for the organisation's strategic direction, operations and functions.

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The Department consists of four commands:

- Corporate Services
 - Governance and Strategy
 - Operational Support and Capability
- Operations
 - Country
 - Metropolitan.

The Operation's command is responsible for the management and delivery of on the ground services incorporating the:

- Bushfire Service
- Fire and Rescue Service
- State Emergency Service
- Volunteer Emergency Service
- Volunteer Fire Rescue Service
- Volunteer Fire Service
- Volunteer Marine Rescue Service.

The Department has created a single entity fire and rescue organisational structure, with the responsibility allocated to a single Chief Executive for the provision of service delivery. Importantly, the Department has allowed for the co-existence within the operational command of fire and rescue services that provide support from both a paid and volunteer perspective. In addition, it has also allowed for individual organisations to maintain their identity and brand which often resonates with the community in respect to education programs and lead control agency.

The Department has achieved, and continues to achieve, improved coordination and policy development, efficient use of resources and clearer lines of responsibility, together with having internal corporate resources to effectively provide operational support.

Appendix F

Lead Agency Model for the Governance Of The South Australian Emergency Services Sector

Submitted by:

Grant Lupton
Chief Officer
Metropolitan Fire Service

Greg Nettleton
Chief Officer
Country Fire Service

Chris Beattie
Chief Officer
State Emergency Service

PREFACE

The South Australian Emergency Services Sector protects the community from the effects of fires, road crash, flooding, hazardous materials, extreme weather, rescues and other emergencies.

This paper recognises the importance of maintaining and enhancing the excellent emergency services provided by the Metropolitan Fire Service (MFS), Country Fire Service (CFS) and the State Emergency Service (SES) to the people of South Australia.

The current global environment poses many challenges for emergency responders. In addition to fighting fires, South Australian emergency service personnel respond to a broad range of emergencies that include road crash, marine search and rescue, urban search and technical rescue. Emergency service personnel must also deal with threats from chemical, biological, and radiological (CBR) and other hazardous materials (HAZMAT).

The current governance model for the South Australian Emergency Services Sector whereby the MFS, CFS and SES provide frontline services to the community supported by a common administrative and shared service body, originated in 1999 with the formation of the Emergency Services Administration Unit (ESAU).

The current climate of fiscal restraint, declining government revenue and increasing accountability poses significant challenges for the provision of public services. There is a critical need to ensure the South Australian emergency services provide high levels of public value; prioritise the delivery of 'front line' services and demonstrate effective and transparent governance.

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It is the shared position of the Chief Officers of the MFS, CFS and SES that these challenges can best be met through reform of the existing sector governance arrangements.

Specifically, the Chief Officers support reforms to reflect a new service delivery model wherein each of the three Emergency Service Organisations (MFS, CFS and SES) take responsibility for the provision of their own residual corporate services, (currently provided by the SAFECOM Office) and not presently centralised within Shared Services SA, together with the adoption of a 'Lead Agency' model by the Emergency Service Organisations (ESO) for some common functions. This would be characterised by: reduced bureaucracy, the return of key resources to the 'coal face' and the allocation of selected 'shared services' on a Lead Agency basis.

This model, which complements broader South Australian government initiatives concerning increased transparency and accountability and the provision of shared services, can be transitioned to with no impact on service provision and without the need for legislative reform. Importantly, the model provides a collaborative approach towards realising mandated budget savings for SAFECOM while minimising the impact to delivery of frontline services and support of volunteers.

This paper includes a reference to the Community Safety Directorate (CSD) established in 2012 and provides a suggestion for future positioning and functionality of this initiative.

In summary, this paper provides an outline of current South Australian emergency services sector governance arrangements, a detailed description of the 'Lead Agency' model proposed as a replacement, and potential transition strategies to the new model.

INTRODUCTION

The purpose of this position paper is to provide the Minister for Emergency Services with a collective position of the Chief Officers of the South Australian Metropolitan Fire Service (MFS), the South Australian Country Fire Service (CFS) and the South Australian State Emergency Service (SES) on an enhanced sector governance model for emergency service delivery within South Australia.

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This paper recognises the importance of maintaining and enhancing the excellent emergency services provided by the MFS, CFS and SES to the people of South Australia. This collective capability can be seen at every day incidents where all sector agencies, depending on the nature of the incident, work closely together with other relevant agencies, such as the South Australia Police (SAPOL) and South Australian Ambulance Service (SAAS), to quickly normalise and deal with emergencies. At *out of scale* incidents, where the state's emergency management arrangements are activated, this collaboration and inter-operability has been tested and proven.

Furthermore, it must be highlighted that the MFS, CFS and SES work closely and collectively *as independent agencies* to provide efficient and effective emergency service. These agencies independently and collectively provide high public value to the people of South Australia while protecting the community and each year preventing the loss of hundreds of millions of dollars in capital and economic value.

This paper proposes to enhance and strengthen the existing close working relationship of the agencies and ensure that, in a time of fiscal restraint, sector resources are committed where they will produce the greatest public value.

CURRENT SECTOR GOVERNANCE ARRANGEMENTS

In 1999 the Emergency Services Administration Unit (ESAU) was established as a provider of shared (non-operational) services for the sector. Examples of corporate functions that were centralised included (but were not limited to):

- Occupational Health and Safety;
- Finance / Procurement;
- Human Resources.

In 2005 the current governance model for the South Australian emergency services sector was implemented. In parallel with the *Fire and Emergency Services Act 2005*, this model saw the creation of the South Australian Emergency Services Commission (SAFECOM) and implementation of the SAFECOM Board *as the governing body of the Commission*.

In addition to continuing to hold those responsibilities originally devolved to EASU, the SAFECOM Office was tasked with providing business support, governance and

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accountability to the sector. From the outset, the primary purpose of ESAU followed by SAFECOM has been to provide common or shared business support services to the three ESOs.

However, over the past five years, many of the cross sector administrative support functions allocated to the SAFECOM Office have been relocated to Shared Services SA. In late 2007, State Cabinet approved the shared services model, developed by the Shared Services Reform Office, for the creation of Shared Services SA in the Department of Treasury and Finance.

Between 2008 and 2011, the transition of services from each agency into the centralised Shared Services SA branch of the Department of the Treasury and Finance was undertaken. Since this transition, many of the roles and functions allocated to SAFECOM are now provided to the Emergency Service Organisations (ESO) by Shared Services SA. The residual corporate support services for the sector (currently within SAFECOM) do not require a separate agency for their administration and would more effectively managed within the ESO they support.

In addition to the Sector's administrative changes discussed above, MFS, CFS and SES have been affected by national reforms as a result of high level inquiries, civil actions and lessons learnt from recent major incidents. These reforms have led to the fire and emergency services agencies within states and territories adopting common doctrine and systems for incident management, nationally accredited training standards, common emergency alerting protocols, collaborative purchasing arrangements for specialised equipment and the establishment of a central body enabling the transfer of knowledge amongst member agencies. The benefits of these reforms have not stemmed from SAFECOM; rather they have been achieved through effective collaboration amongst emergency service organisations.

MFS, CFS and SES have greatly benefited from these national reforms, bringing each agency closer together to ensure state of the art services are delivered to the community.

SA Government initiatives, such as the introduction of the Government Radio Network (GRN), SA Computer Aided Dispatch (SACAD) and common community

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alerting systems, have also enabled MFS, CFS and SES and other emergency response agencies to operate in a more collaborative environment.

Outside of the SAFECOM sector governance arrangements there are numerous whole of government and other mechanisms to enable effective collaboration and cooperation. For example:

1. A sound legislative framework exists under the *Emergency Management Act 2004* to coordinate whole-of-government emergency management policy and capability development through Cabinet's Emergency Management Council, the State Emergency Management Committee (SEMC), its advisory groups and subcommittees, and also via the legislated responsibilities for individual agencies, Control Agencies and Hazard Leaders.
2. South Australia's arrangements established by the *Emergency Management Act 2004* provide for an effective adaptive capacity within the emergency management sector which has allowed for continuous improvements in the way emergencies and risks are managed. A number of national inquiries and reviews have caused the ESOs to assess capabilities and operational arrangements as part of a whole-of-government review process under the auspices of SEMC.
3. Effective governance and collaboration mechanisms also exist outside of the legislated framework to ensure a coordinated approach to mission critical emergency capabilities such as the SAGRN (SAGRN Board) and SACAD (SACAD Executive Committee).
4. Effective and coordinated national collaboration is achieved through ESO membership and participation in the Australasian Fire and Emergency Services Authorities Council (AFAC) and its working groups, as well as through a number of national committees established to support the Australian and New Zealand Emergency Management Committee and the Standing Council for Police and Emergency Management. These groups continue to foster and drive common approaches and interoperability between ESOs within South Australia and across the nation.

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THE NEED FOR CHANGE

SAFECOM Board composition

Concerning the SAFECOM Board, it is the agreed position of the Chief Officers that there is a requirement to maintain the centralised governance mechanism of the Board to coordinate and support each agency in delivering efficient services to the community and provide assurance to the Minister and Government of the day.

Although the Board governance model provides transparency and accountability to the South Australian Emergency Services Sector, the Chief Officers of the three ESOs believe that the opportunity exists to implement significant efficiencies within the sector.

It is the position of the Chief Officers that the governance provided through the Board would be significantly improved by the creation of an independent Chair. That is, the Chair would not be the Chief Executive Officer of SAFECOM. This would not require a change to the existing legislation if the position of Chief Executive Officer of SAFECOM were to be vacant.

Under such arrangements the Board would continue to provide the broad direction and strategies to the sector and effective oversight and governance. The Board would also hold responsibility for providing assurance that the ESOs discharge their legislated duties and achieve their individual and collective mandates.

Provision of residual corporate support services

The loss of significant numbers of Full Time Equivalents (FTEs) to Shared Services SA and successive budget cuts and FTE reductions in SAFECOM has led to a significant and unsustainable decline in the levels of corporate and business support it provides to the three Emergency Service Organisations. This has led to a loss of confidence within the agencies as to the capability, capacity and structure of SAFECOM. As a result, all three agencies have been reorienting and restructuring to address SAFECOM's service delivery shortfalls and gaps. This has required significant organisational reform within the agencies. The Chief Officers believe that SAFECOM's resources and staffing have now dropped below the levels required to support the ESOs on a sustainable basis.

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Furthermore, with the establishment of Shared Services SA, the maintenance of a third party service coordination agency (SAFECOM Office) represents a cost pressure that cannot be afforded in the current economic climate. Within the current SAFECOM structure the majority of the remaining functions (and associated FTE) were originally sourced from the ESOs. In many cases the original agency requirement remains.

In other cases the FTEs sourced from each agency have been consolidated within SAFECOM. Although the rationale for this was to achieve a critical mass that could better support the agencies as a collective, in practice this has removed resources from where they can most directly support front line services.

Consequently, it is the agreed position of the Chief Officers that improvement in sector governance and efficiencies would result from the return of the remaining corporate support functions within the SAFECOM Office to the respective agencies.

Future budget savings

Savings identified for SAFECOM over the forward estimates will require significant reductions in staff and therefore reduced capacity to support the ESOs. Planning is already underway within SAFECOM to identify areas for reductions in staffing levels to meet these mandated budget measures.

Under the proposed Lead Agency model (see page 8), each agency would become responsible for providing its own strategic, administrative and support services through devolution of SAFECOM resources back to the MFS, CFS and SES, who would liaise directly with Shared Services, rather than through a third party (SAEFCOM Office). This would potentially allow cost savings to be achieved through a reduction in management costs rather than a loss of corporate support staff. This would also free the ESOs to make progressive changes to administrative and support arrangements as required to reflect future changes to their operating environment.

THE PROPOSED 'LEAD AGENCY' MODEL

The Chief Officers propose the implementation of a revised governance model that leverages off the successful working relationships between the MFS, CFS and SES. This model would be characterised by, reduced bureaucracy, the return of key

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business support resources to support front line service delivery and the allocation of remaining Sector specific functions on a Lead Agency basis.

Under this model the Board would be retained with the change to an independent Chair. Sufficient resources from SAFECOM would be maintained to ensure the direct provision and coordination of Board support functions. This would be delivered by one of the ESOs, designated as the Lead Agency for the provision of Board services, from within the sector.

It is proposed that other selected sector functions currently provided by SAFECOM (where required by two or more agencies and requiring critical mass or concentration for efficiency) be provided on a Lead Agency basis supported by Service Level Agreements. For example, under this 'Lead Agency' model the following arrangements could be established:

- (a) CFS to become the Lead Agency for Volunteer Management; Community Emergency Information Warning Systems (CEIWS) project; injury management and CrimTrack services
- (b) SES to become the Lead Agency for the Emergency Management services currently provided by SAFECOM and sector services to the SAFECOM Board.
- (c) MFS will remain the Lead Agency for Sector Call Receipt and Dispatch and become the designated Lead Agency for the provision of Information Management Services (IMS) and Records Management.

This model appeals to two principles: firstly, each Emergency Service Organisation requires sufficient core business support (such as Human Resources, Assets and Procurement, and Financial Management) to meet the government requirements of corporate bodies. Secondly, more specialised services should be allocated to a designated Lead Agency with the greatest requirement for the specific function.

Although significant numbers of SAFECOM FTEs have been transitioned to Shared Services SA or lost through successive budget reductions, it is the position of the Chief Officers that sufficient staffing levels remain to meet the needs of the sector (if fairly allocated and objectively allocated). **Furthermore, the return of these**

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positions to the ESOs would eliminate the need to maintain a bureaucracy to manage SAFECOM itself.

The reallocation of SAFECOM FTEs to the agencies would represent a straightforward exercise and could be accomplished in the short term. Under this model, each agency would be allocated a minimum number of core service FTEs commensurate to the size of the agency, while recognising that there is a minimum service level required *regardless of agency size*.

The proposed model retains a Board services function (secretariat) to support the operations of the Board. It is the position of the Chief Officers that this function could be managed by a small team within an ESO (potentially SES) on a Lead Agency basis rather than a CEO within SAFECOM. The savings in executive wages could be used to help achieve the mandated savings targets for SAFECOM or transferred to provide funding towards costs within the Community Safety Directorate (see page 11).

Under the proposed model an agreed number of FTEs would be allocated to each ESO for the delivery of integrated corporate support services. Lead Agency roles would be agreed and those FTEs and contract positions transferred to the relevant ESO supported by Service Level Agreements.

Key projects such as the E-Connect, CEIWS, Zone Emergency Risk Management project and AlertsSA would also be allocated to Lead Agencies to manage and deliver on behalf of the state.

It is proposed that the existing Ministerial Liaison position be retained with the option of placement within the Minister's Office or within the Board support services unit within the SES with the express purpose of supporting the operations of the Board and the three ESOs at the direction of the Chief Officers.

Finally, the Lead Agency model would allow ESOs to absorb management functions currently delivered by SAFECOM to help achieve the budget savings targets for 2013/14 onwards. The majority of these positions would be management and executive positions and would provide necessary efficiency savings to the sector, unless they were transferred to support the costs of the Community Safety Directorate.

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While FTE reductions are not the preferred option given the reductions in support staffing levels experienced by the sector over the last five years, they provide the only realistic and feasible option to achieve the savings measures imposed on SAFECOM. Under the proposed model these would be management positions rather than those that support front line services within ESOs.

TRANSITIONAL ARRANGEMENTS

Any changes to the Emergency Services Sector governance model must be consistent with the existing Legislation i.e. the *Fire and Emergency Services Act 2005*. It is the position of the Chief Officers that **transition to the Lead Agency model can be implemented under this legislation.**

It is proposed that, in the interim, current planning and reporting arrangements to the Board are maintained. If approval is given, the Chief Officers will form a Sector Reform Steering Committee consisting of relevant stakeholders to oversee the development of transitional arrangements to the new model including proposed Service Level Agreements and aligned reporting measures. A formal proposal and model will then be submitted to the existing SAFECOM Board for determination. Through the Sector Reform Steering Committee, the Chief Officers would provide ongoing reporting to the Board on progress with the sector reforms.

The transition of personnel from the SAFECOM Office back to agencies would be managed by function, in a series of tranches as occurred with the implementation of Shared Services. These positions would be placed under the direction of existing agency management personnel. This return of support staff to the agencies would have the added benefit of reducing the size of the bureaucracy required and would free up a number of senior positions within SAFECOM, either to address current sector shortfalls (such as the lack of resources committed to risk management) or as potential savings to the sector.

As part of the reform program, the Sector Reform Steering Committee would oversee the establishment of a **Chief Officers Committee as a formal subcommittee of the Board**. It would be charged with two primary functions. The first would be to prioritise sector capability issues and develop plans to achieve cross-sector strategies (contained or supported by the sector and agency strategic

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planning frameworks). This would allow for the development of integrated and prioritised initiatives for the Board and Government's consideration.

The second function would be to identify and report on opportunities and progress towards enhanced cross-sector initiatives (both corporate and operational) that improve community safety outcomes through enhanced collaboration and resource sharing. The Chair of the Chief Officer's Committee would be appointed on a rotational basis and would provide a point of contact and spokesperson for 'whole of sector' issues.

GOVERNANCE ARRANGEMENTS

It is the position of the Chief Officers that the revised Board model and allocation of Lead Agency functions has the potential to improve the governance of the South Australian Emergency Services Sector.

The delivery of Lead Agency functions would be governed through Service Level Agreements negotiated prior to the commitment of resources to the responsible agency. These Service Level Agreements are considered essential and the absence of these under the SAFECOM model has proved problematic, resulting in disagreements concerning the prioritisation of functions and projects.

Agencies would be required to develop performance and activity indicators for their Lead Agency functions to be measured against and reported in their annual Agency Statements.

It is the position of the Chief Officers that the revised SAFECOM Board model, combined with the development of Service Level Agreements and aligned reporting measures for the Lead Agency functions, will result in improved transparency and accountability across the emergency services sector.

COMMUNITY SAFETY DIRECTORATE

The Community Safety Directorate was established in 2012 by the Minister at that time, with the approval of Cabinet. The Community Safety Directorate is currently positioned within the Department of Communities and Social Inclusion with staffing provided through secondment positions from SAPOL, MFS and the Departments of Corrections and Planning, Transport and Infrastructure.

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The Director-General (seconded from SAPOL) has also been appointed as the Chief Executive of SAFECOM and Chair of the SAFECOM Board. A new position of Deputy Director-General is funded from the SAFECOM budget.

It is suggested that the Community Safety Directorate be transferred from the Department of Communities and Social Inclusion to the Department of Premier and Cabinet and located within the Strategic Policy Unit, with the Security and Emergency Management Team. This transition could provide opportunities for future coordination of emergency management and community safety policy development as and when resources become available. This could include functions identified in the recent 'Emergency Management South Australia' proposal developed by the Director-General of Community Safety.

This approach would also integrate the work of the Community Safety Directorate with the existing whole of government framework for security and emergency management established by the *Emergency Management Act 2004*. The co-location of the Directorate with the secretariat functions for the Emergency Management Council (EMC) and State Emergency Management Committee (SEMC) would also provide stronger linkages between the state's peak emergency management structures and the work of the Directorate. Indeed, it is the view of the Chief Officers that much of the Directorate's activities and efforts could be in support of progressing whole-of-government policy issues driven by Cabinet's EMC and the SEMC. Similar models of locating a small number of emergency management, security and community safety policy officials within Departments of Premier and Cabinet currently exist in Queensland, Western Australia, Victoria and Tasmania.

Funding for the Community Safety Directorate could be continued from the current agency secondment model to support the Director-General position and staff. Salary savings from SAFECOM efficiencies realised through the proposed Lead Agency model (and elimination of the SAFECOM Chief Executive position), could be transferred to the Department of Premier and Cabinet to continue covering to the costs of the Deputy Director-General position (as they are currently under SAFECOM).

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It should be noted that the transfer of SAFECOM savings efficiencies to support the Community Safety Directorate would impact upon SAFECOM's ability to meet its mandated budget savings. Accordingly, a permanent source of funding is needed to support the Community Safety Directorate.

PROJECTED BENEFITS

The Chief Officers of the MFS, CFS and SES believe that the Lead Agency model provides numerous benefits to the sector, the South Australian government and the community.

1. This proposal is consistent with current government priorities including enhanced community safety, the requirement for Public Sector efficiency and increased transparency and accountability to the public. It is the position of the Chief Officers that the revision of the Board structure with the appointment of an independent Chair, in tandem with the development of Service Level Agreements and published performance targets, will improve the accountability and transparency of governance across the sector.
2. Importantly, this proposal has the potential to produce significant efficiencies. The reduction of executive wage costs and a small number of management positions from within SAFECOM would produce sufficient savings to achieve the mandated budget measures.
3. Whilst any reduction in FTEs within the sector is undesirable, and not the preferred option of the Chief Officers, the FTE savings through this model have the potential to bring the projected savings in line with Government's budget requirements while minimising front line service delivery impacts.
4. The allocation of Lead Agency functions will leverage off the existing strengths of the South Australian Emergency Services Organisations and place resources where they can more directly support services to the community. The rationalisation and alignment of Lead Agency functions will provide the opportunity for realising future operational efficiencies and expansion of 'centres of excellence' within each agency to serve the sector.
5. As an additional benefit the Chief Officers believe that the return of personnel currently allocated to SAFECOM to the Emergency Service Organisations will

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improve the morale and productivity of these personnel as they are more closely associated with the agencies and community they serve.

6. The greatest strength of the proposed Lead Agency model is that it will place sector resources where they can most efficiently and effectively support service delivery to the community of South Australia.

Therefore, this proposal will **produce efficiencies; enhance community safety** and **maximise the public value** provided by the South Australian Emergency Services Sector.

CONCLUSION AND RECOMMENDATIONS

Existing South Australian Emergency Services governance arrangements have evolved over a considerable period of time. It is the collective position of the Chief Officers that these arrangements do not best reflect current government priorities or provide the levels of efficiency and governance required in the current economic environment.

It is submitted that to realise further efficiencies within the South Australian Emergency Services Sector a Lead Agency model should be implemented that is characterised by reduced bureaucracy, the return of key resources to the coal face and the allocation of remaining 'shared services' on a Lead Agency basis.

It is recommended that the Minister for Emergency Services:

1. **Approve** the formation of a Sector Reform Steering Committee (SRSC) under the leadership of the Chief Officers to oversee proposed South Australian Emergency Services Sector reforms.
2. **Approve** the development of a plan through the SRSC to increase sector efficiency whereby residual corporate services provided by SAFECOM and not presently centralised within Shared Services SA be returned to the Emergency Service Organisations.
3. **Note** that the plan will provide for some sector functions to be allocated on a Lead Agency basis supported by Service Level Agreements.

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4. **Endorse** the position of the Chief Officers that in lieu of future legislative changes, the South Australian Emergency Services Sector would best operate under a Board with an independent Chair.
5. **Consider** the suggestion that the Community Safety Directorate be transferred from the Department of Communities and Social Inclusion to the Department of Premier and Cabinet and located within the Strategic Policy Unit, with the Security and Emergency Management Team.
6. **Consider** whether a component of the salary savings from SAFECOM efficiencies realised through the proposed Lead Agency model (and elimination of the SAFECOM Chief Executive position), should be returned to general revenue (as part of forecast savings over the forward estimates) or transferred to the Department of Premier and Cabinet to continue covering to the costs of executive positions within the Community Safety Directorate.
7. **Note** that any transfer of savings (from SAFECOM salary reductions) to support the ongoing funding of the Community Safety Directorate would impact upon SAFECOM's ability to meet its mandated efficiency targets.
8. **Provide** a copy of this Position Paper to Mr Paul Holloway for consideration during the current review of the *Fire and Emergency Services Act 2005*.

Glossary

AFAC	Australasian Fire and Emergency Services Authorities Council
AGD	Attorney-General's Department
AGFMA	Across Government Facilities Management Agreement
CBR	Chemical, Biological, and Radiological
CE	Chief Executive
CEIWS	Community Emergency Information Warning Systems
CFA	Country Fire Authority
CFS	South Australian Country Fire Service
CFSVA	CFS Volunteers Association
COAG	Council of Australian Governments
CSD	Community Safety Directorate
DPTI	Department of Planning, Transport and Infrastructure
EM	Emergency Management
EM Act	Emergency Management Act 2004
EMC	Emergency Management Council
ESAU	Emergency Services Administration Unit
ESO	Emergency Service Organisation
F&ES Act	Fire and Emergency Services Act 2005
FESA	Fire and Emergency Services Authority
FTE	Full Time Equivalents
GRN	Government Radio Network
HAZMAT	Hazardous Materials
IMS	Information Management Services
LGA	Local Government Association

Review of the Fire and Emergency Services Act 2005

MFS	South Australian Metropolitan Fire Service
MRBM	Ministerial Review of Bushfire Management
NERAG	National Emergency Risk Assessment Guidelines
NSTR	National Strategy for Disaster Resilience
PIMS	Permit Information Management System
PSA	Public Service Association
QFRS	Queensland Fire and Rescue Services
SAAS	South Australian Ambulance Service
SACAD	SA Computer Aided Dispatch system
SAFECOM	South Australian Fire and Emergency Services Commission
SAPOL	South Australian Police
SES	South Australian State Emergency Service
SESVA	SES Volunteers Association
SBCC	State Bushfire Coordination Committee
SEMC	State Emergency Management Committee
SERAS	State Emergency Risk Assessment System
SES	State Emergency Service
TAMS	Total Apparel Management system
UFU	United Firefighters Union
VMR	Volunteer Marine Rescue