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Review of the Emergency Services Acts

FREQUENTLY ASKED QUESTIONS



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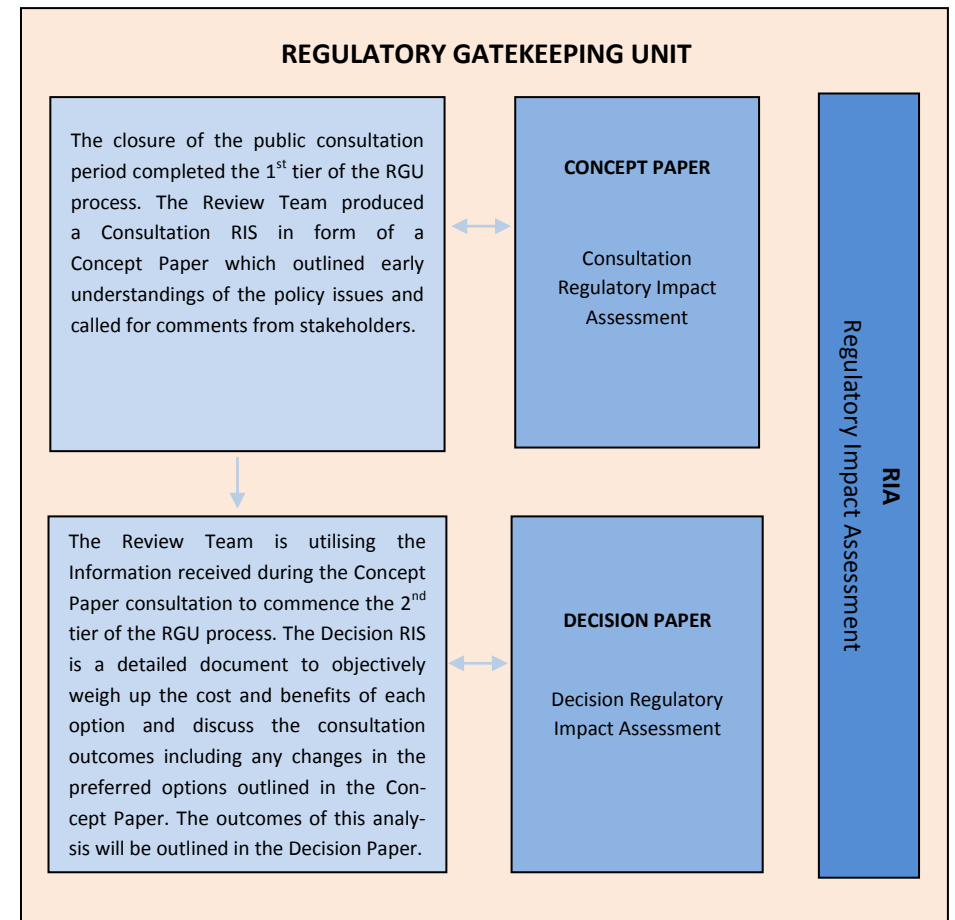
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Regulatory Gatekeeping Unit

What is the Regulatory Gatekeeping Unit?

The Regulatory Gatekeeping Unit (RGU) is a Western Australian Government initiative established to oversee new and amended regulatory proposals. The RGU administers the Regulatory Impacts Assessment (RIA) which is a set process to ensure regulatory proposals have undergone rigorous analysis and sufficient consultation before they are submitted to the decision maker (the Minister for Emergency Services). The process assists in identifying any unforeseen consequences of the regulatory proposals. This RIA process must be completed with a Certificate of Compliance issued from the RGU before the new emergency services Act can commence the formal parliamentary process. For more information on the RGU and the RIA process visit the Department of Finance, RGU webpage at www.finance.wa.gov.au/cms/Economic_Reform/Regulatory_Gatekeeping/Regulatory_Gatekeeping.aspx.



When will the Decision Paper be completed?

This will depend on the level of detail that comes out of the comments provided in the Concept Paper, and the amount of further research required to assess the preferred options moving forward and provide sufficient detail to satisfy the requirements set by the Regulatory Gatekeeping Unit (RGU). The Review Team anticipates that the Decision Paper will be submitted to RGU by the end of the year.

When will the Decision Paper be made publicly available?

The Decision Paper will be publicly available once the Bill for the new emergency services Act is in Parliament.

When will the new emergency services Act be introduced to Parliament?

Once the RGU is satisfied that the Decision Paper has met all of the requirements it will issue a Certificate of Compliance. Once the Certificate of Compliance has been issued, the Decision Paper will be provided to the decision maker (the Minister for Emergency Services) to seek approval to draft the Bill for the new emergency services Act. It is at this point that the Review has reached the formal parliamentary process for drafting and enacting Bills.

When will the new emergency services Act come into effect?

To become an Act of Parliament, a Bill must pass through a number of formal stages in each House of Parliament. Once the Bill has passed both Houses of Parliament, it is presented to the Governor who is authorised to grant the Royal Assent on behalf of her Majesty the Queen. At this time, the Act is in force, unless there is a specified date in the Act when the Act becomes operational or a specific provision in the Act that it comes into operation upon proclamation. Further information on how Parliament enacts legislation can be found on the Western Australian Parliament website at www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/content/about-bills

Can't find the answers you are looking for? Email us your questions....

If you have a question that is not answered in this document then send the Review Team an email at legislation@dfes.wa.gov.au.

REVIEW OF THE EMERGENCY SERVICES ACTS

What is the Review of the Emergency Services Acts?

Fire and emergency services in Western Australia currently operate in accordance with three distinct pieces of legislation:

the *Fire Brigades Act 1942* (Fire Brigades Act);

the *Bush Fires Act 1954* (Bush Fires Act); and

the *Fire and Emergency Services Act 1998* (Fire and Emergency Services Act).

These three Acts are known collectively as the Emergency Services Acts. As more than half a century has passed since the introduction of the Fire Brigades Act and the Bush Fires Act, some elements may be considered outdated.

In 2006 the Community Development and Justice Standing Committee (CDJSC) *Inquiry into Fire and Emergency Services Legislation 2006* (the CDJSC inquiry) was concluded. The CDJSC made 88 recommendations. One of the most significant recommendation was to repeal the Emergency Services Acts and develop a single comprehensive, consolidated piece of legislation.

In November 2012 the Department of Fire and Emergency Services (DFES) commenced a project to progress the Review of the Emergency Services Acts (Review). The new Act is intended to consolidate the existing provisions, update the legislation to reflect contemporary emergency service practice, and, where appropriate, incorporate recommendations from major inquiries and reports.

Why are the Emergency Services Acts being reviewed?

The current legislation does not reflect how emergency services organisations operate in today's modern communities. Although each Act has been amended from time to time, the Fire Brigades Act, the Bush Fires Act and the Fire and Emergency Services Act largely reflect the prevailing socio-political influences of when they were enacted.

As additional time passes, the current Acts will become even less reflective of the emergency services environment in Western Australia. This will hinder the ability of emergency service providers and the community to implement and effectively execute contemporary strategies to prevent; prepare; respond to; and recover from emergencies.

Why is DFES conducting the Review of the Emergency Services Acts?

Although there are a number of agencies, organisations and individuals involved in the delivery of emergency services, DFES is the agency responsible for administering the emergency services Acts. DFES has commenced the Review following a direction from the then Minister for Emergency Services.

Concept Paper: Review of the Emergency Services Acts

What is the Concept Paper?

The Concept Paper: Review of the Emergency Services Acts (Concept Paper) was a consultation document that discussed the options identified to deal with issues relating to the new emergency services Act. It was open for public consultation for three and half months with the aim of receiving feedback on the proposed options from a stakeholder perspective. The options proposed in the Concept Paper were not final, they were concepts put forward on the future direction of the legislation and how specific issues could be dealt with. While considerable consultation went into the development of the Concept Paper and the selection of the preferred options, the Concept Paper is primarily a means for further more focused consultation with stakeholders.

Is the Concept Paper still open for public comment?

The consultation period for the Concept Paper closed on the 31 July 2014 after being open for comment for three and a half months; the Review Team are no longer accepting comments. A read only version of the Concept Paper is available on the DFES website at <http://www.dfes.wa.gov.au/legislationreview/Pages/Legislation-Review-Archive.aspx>

How was the preferred option for a topic determined?

Between November 2012 and November 2013, the Review Team engaged with over 1500 individuals including volunteers, local government representatives, State Agencies and non-government organisations. Stakeholder consultation was conducted through phone, email, direct meetings, group presentations, formal submissions and expert panel discussions.

The options and ideas that surfaced through this consultation process were researched and consideration was given to factors including, but not limited to, findings and recommendations from other reviews, cost implications, available resources, expertise, impacts to volunteers and communities and the diverse geographical landscape in Western Australia. The Review then identified options believed to best achieve the intended outcome for the issues being considered.

Will the submissions be made public?

Unfortunately we are not in a position to make the submissions public. A large number of our stakeholders have made submissions on the basis that they are confidential.

Are the preferred options outlined in the Concept Paper “set in stone”?

As the title suggests, the preferred options put forward in the Concept Paper are only concepts at this stage. The primary purpose of the Concept Paper was to ensure that stakeholders understood the proposed future direction of the consolidated legislation, so they could provide

meaningful feedback on the options being considered. Some of the questions stakeholders were encouraged to consider included:

- Were there any unintended costs or community impacts that had not been identified?
- Were there other considerations that may affect the accuracy of the costs provided?
- Were there any additional gaps in the concept that need to be addressed?
- Were there enhancements or modifications to the concepts that would enable them to better achieve their intent?

Decision Paper: Review of the Emergency Services Acts

What is the Decision Paper?

Completing the Decision Paper: Review of the Emergency Services Acts (Decision Paper) is the first step in stage 4 of the Review.

The Decision Paper is a more detailed document, building on from the Concept Paper to objectively weigh up the cost and benefits of each option. Comments received during the Concept Paper public consultation period have provided further information for the Review Team to analyse and explore. The Review Team is currently focussed on developing the Decision Paper; during this time consultations will continue in a more targeted approach. It is important that the level of detail captured in the Decision Paper meets the requirements of the Regulatory Gatekeeping Unit.

Are the preferred options outlined in the Decision Paper “set in stone”?

Similar to the Concept Paper, the preferred options put forward in the Decision Paper are not “set in stone.” It is the responsibility of the Review Team to put forward preferred options for the new emergency services Act to Cabinet. Cabinet will further consider the options proposed.

What is the difference between the Concept Paper and the Decision Paper?

In short:

- The Concept Paper is a “preliminary or first draft”. It was released for public consultation to receive feedback from stakeholders on the proposed options.
- The Decision Paper is a “final or second draft”. Amendments are made to the Concept Paper as a result of consultations and further detailed research and analysis to develop the Decision Paper. The Decision Paper is provided to Cabinet for their further consideration.
- The new emergency services Act will not be in its final form until it is passed through Cabinet.