

LEGISLATIVE COUNCIL

Question on notice

Case tabled paper.

Tuesday, 18 March 2014

955. Hon Robin Chappie to the Attorney General representing the Minister for Emergency Services.

(1) What was the legal justification for the original refusal to provide a Direct Brigade Alarm to Perth Arena prior to July 2013?

(2) Why is there a need for Department of Fire and Emergency Services (DFES) to limit its liability in the event of loss or damage?

(3) Given the absence of legislation for DFES fire engineers to be chartered, what are the educational and professional standards required by DFES fire engineers?

(4) Is there an internal budgetary limit applied to each submission?

(5) If yes to (4), what is it?

(6) If no to (4), why not?

(7) What were the DFES Built Environment Branch (BEB) staff numbers for the years ending:

(a) 2010;

(b) 2011;

(c) 2012; and

(d) 2013?

(8) What was the operating budget for the DFES BEB department for the years:

(a) 2010;

(b) 2011;

(c) 2012; and

(d) 2013?

(9) What was the number of building submissions for *Fire Engineered Solutions* and *Deemed to Satisfy Solutions* for the years:

(a) 2010;

(b) 2011;

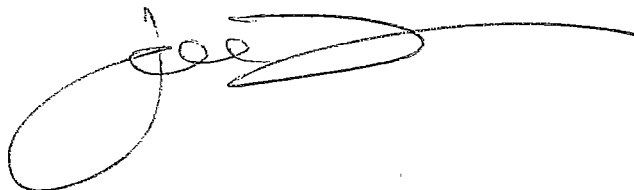
(c) 2012; and

(d) 2013?

(10) Of the two contractual staff, what are their qualifications?

(11) Of the two contractual staff, when and where were their positions advertised and for how long?

(12) Has the DFES BEB ever been independently audited by a non-government qualified fire engineer to determine if all advice provided by DFES is consistent and unbiased?

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(13) If yes to (12), by whom?

(14) If no to (12), why not?

(15) If yes to (12), will the Minister table the document?

(16) If no to (15), why not?

The Department of Fire and Emergency Services (DFES) advises:

(1) DFES Direct Brigade Alarm (DBA) End User Agreement (EUA) between DFES and Venues West was entered into on 31 October 2011. The DBA EUA requires compliance to relevant Australian Standards, the Building Code of Australia and the DFES DBA Connection Code. The EUA provides DFES with the legitimacy to approve or refuse connections to the DFES DBA Network.

The Perth Arena DBA was withheld as DFES did not receive all the compliance documents required by the relevant Australian Standards. The documents supplied had compliance exemptions written into them by the contractor indicating non-compliance. These compliance issues had not been addressed or resolved at time of the DBA Compliance Inspection.

(2) The purpose of a limitation of liability clause is to effectively avoid or manage risk. DFES utilises limitation from liability clauses to help minimise any risk to the State and DFES.

(3) There is no legislative requirement for engineers to be 'chartered engineers'. The job description form for all DFES fire engineer positions includes an essential pre-requisite of a recognised qualification (graduate/post graduate) in fire safety engineering from an accredited university.

(4) No

(5) Not applicable.

(6) Budget allocations for DFES services are based on service delivery resource requirements subject to budget constraints.

(7) –(9) [See tabled paper no]

(10) The contractors possess the following relevant qualifications:

a. Contractor one (Fire Engineer):

i. Diplome Universitaire et Technologique in Health Safety and Environmental Protection from the Universite of Haute Alsace, France; and

ii. MSc in Fire Safety Engineering from the University of Ulster, Northern Ireland.

b. Contractor two (Project Officer):

i. Nil

(11) The two contractual staff roles were advertised as follows:

a. Position one:

i. Advertised on Jobs WA on 21 March 2013;

ii. The position was advertised for a period of 3 months with the possibility of an extension.

b. Position two:

i. Advertised on the DFES intranet to DFES staff; volunteer brigades, units and groups and external applicants on 2 November 2012;

ii. Re-advertised on 24 July 2013 and 12 February 2014; and

iii. Advertised as permanent position on Jobs WA on 25 February 2014.

(12) Submissions of interest were recently sought from five external, independent auditors to undertake an audit of the DFES Built Environment Branch (BEB). However none of the audit firms approached have submitted responses, citing that they lacked the expertise to undertake the audit. DFES is now enquiring through other Australian Fire Services to ascertain if a suitable independent person/body can be identified to undertake the audit.

(13) Not applicable.

(14) DFES is currently attempting to engage an external independent auditor, refer to response (12).

(15) Not applicable

(16) Not applicable

Attachment to LA 955- parts (7) to (9)

	(7) The DFES BEB staff numbers	(8) The operating budget for the DFES BEB	(9) The number of building submissions for		
			Fire Engineered Solutions	Deemed to Satisfy Solutions	Total Assessments
(a) 2010	16.6 FTE	2009/2010 = \$1,635,203	999	270	1269
(b) 2011	17.6 FTE	2010/2011 = \$1,837,173	1068	325	1393
(c) 2012	19 FTE	2011/2012 = \$2,306,109	1571	352	1923
(d) 2013	21 FTE	2012/2013 = \$2,329,970	1211	861	2072