

## FLYING MINUTE: STATUTORY REVIEW OF THE *WORK HEALTH AND SAFETY ACT 2020* - WALGA SUBMISSION

*By Kirsty Martin, Executive Manager Member Services*

### WALGA RECOMMENDATION

**That State Council endorse the submission for the Statutory Review of the *Work Health and Safety Act 2020*.**

**RESOLUTION 256.FM/2025**

**CARRIED**

### EXECUTIVE SUMMARY

- The WorkSafe Group (WorkSafe) of the Department of Local Government, Industry Regulation and Safety has invited public submissions on the statutory review (the Review) of the *Health and Safety Act 2020* (WHS Act).
- The consultation period is from 20 October to 28 November 2025, however WALGA has received an extension until 12 December 2025.
- WALGA sought input from the sector and received submissions from 10 Local Governments, the Great Southern Country Zone and LGIS.
- WALGA has prepared a draft submission to WorkSafe which raises concerns predominantly relating to the management of Volunteer Bush Fire Brigades (VBFBs) and the applications of the WHS Act to roles and responsibilities in the Local Government context.
- The submission was endorsed by the Governance and People and Place Policy Teams at a joint meeting on 1 December 2025.

### ATTACHMENT

- WALGA submission for the Statutory Review of the *Work Health and Safety Act 2020*

### POLICY IMPLICATIONS

The current Advocacy Positions relating to this submission are [Position 8.1 Emergency Management Principles](#), [Position 8.7 - Emergency Services Levy](#), [Position 8.8 - Local Government Grants Scheme](#), [Position 8.9 - Expansion of the CESM Program](#) and [Position 8.10 - Management of Bush Fire Brigades](#).

### BACKGROUND

Section 277 of the WHS Act requires the Minister (Minister for Industrial Relations) to undertake a five-yearly review (the Review) on the operation and effectiveness of the WHS Act and prepare a report for Parliament based on the Review. WorkSafe invited public submissions from 30 October to 28 November 2025. WALGA received an extension on the consultation period until 12 December 2025. Information about the Review is available on the WorkSafe [website](#).

WALGA requested sector feedback by Monday, 17 November 2025, to inform a submission for consideration by Policy Teams and State Council. Feedback was received from 10 Local Governments and from LGIS. In addition, a resolution carried at the Great Southern Country

Zone meeting on 21 November 2025 has been considered in the preparation of the draft submission.

Local Governments were also encouraged to make their own submission to WorkSafe.

The Governance and People and Place Policy Teams considered the draft submission at a joint meeting on 1 December 2025. The Policy Teams recommended the submission for endorsement by State Council, as well as providing some additional feedback which has been incorporated in the submission.

### **COMMENT**

WALGA's draft submission primarily focusses on the significant implications for Local Governments' management of Volunteer Bush Fire Brigades (VBFBs) that arise from the inclusion of volunteers as workers under the WHS Act. The draft submission also notes the challenges in applying the roles defined under the WHS Act to the roles and responsibilities in Local Government.

### **Management of Volunteer Bush Fire Brigades**

The submission is informed by sector feedback as well as WALGA's strong existing advocacy positions regarding VBFBs.

The submission recommends greater legislative clarity regarding accountability and liability for WHS duties to VBFB volunteers, particularly during multi-agency emergency operations. Consistent with WALGA's existing advocacy position 8.10, the submission calls for the State Government to establish a clear framework to enable Local Governments to transfer VBFBs to the State Government, and to consider the most appropriate operational model for management of Bush Fire Brigades.

The submission also calls for systemic improvements in emergency management resourcing to address the inadequate funding and support available to VBFBs, consistent with WALGA's advocacy positions 8.1, 8.7, 8.8 and 8.9.

### **Local Government Governance - Roles and Responsibilities**

The submission calls for the provision of specific, practical guidance for Local Governments to clarify Council Members' protections and duties under the WHS Act and support a consistent approach across the sector.

## FLYING MINUTE OUTCOME

Poll created: 03/12/2025 at 18:00

Poll closed: 10/12/2025 at 17:00

| First Name | Last Name   | Completed Date   |
|------------|-------------|------------------|
| Chris      | Antonio     | 9/12/2025 16:08  |
| Phillip    | Blight      | 4/12/2025 11:13  |
| Laurene    | Bonza       | 10/12/2025 17:49 |
| Donelle    | Buegge      | 10/12/2025 5:12  |
| Scott      | Crosby      | 7/12/2025 13:09  |
| Patrick    | Hall        | 4/12/2025 14:51  |
| Lewis      | Hutton      | 10/12/2025 11:00 |
| Mark       | Irwin       | 10/12/2025 16:53 |
| Paul       | Kelly       | 3/12/2025 22:31  |
| Terresa    | Lynes       | 10/12/2025 12:41 |
| Paige      | McNeil      | 4/12/2025 7:34   |
| Cate       | McCullough  | 10/12/2025 10:29 |
| Chris      | Mitchell JP | 10/12/2025 10:43 |
| Matthew    | Niikkula    | 10/12/2029 10:30 |
| Les        | Price       | 6/12/2025 16:06  |
| Helen      | Sadler      | 10/12/2025 16:13 |
| Robert     | Schmidt     | 7/12/2025 17:38  |
| Eman       | Seif        | 10/12/2025 20:16 |
| Audra      | Smith       | 10/12/2025 12:06 |
| Stephen    | Strange     | 10/12/2025 11:27 |
| Liz        | Sudlow      | 10/12/2025 11:49 |
| Mike       | Walmsley    | 8/12/2025 12:35  |
| Karen      | Wheatland   | 10/12/2025 14:58 |
| Barry      | Winmar      | 10/12/2025 15:57 |

**The submission was endorsed.**

**Based on feedback from State Councillors, a new recommendation (Recommendation 2) was added to highlight the need for a contemporary and fit for purpose legislative and policy framework, considering the *Bush Fires Act 1954*, proposed Consolidated Emergency Services legislation and the WHS Act.**

**Also in response to State Councillor comments, an expanded discussion of spontaneous volunteers was added to the body of the submission, and the recommendation regarding funding was strengthened to emphasise advocacy for increased funding and support for Local Governments and VBFs.**

Statutory Review of the  
*Work Health and Safety Act 2020*  
WALGA Submission

December 2025

## WALGA Submission: Statutory Review of the *Work Health and Safety Act 2020*

### Introduction

The Western Australian Local Government Association (WALGA) appreciates the opportunity to provide a submission to the Statutory Review of the *Work Health and Safety Act 2020* (WHS Act). As the independent, member-based, not for profit organisation representing and supporting the WA Local Government sector, WALGA's membership includes all 139 Local Governments in the State. Through LGIS, the not-for-profit industry based mutual indemnity scheme, we support Local Governments to meet their WHS obligations.

Local Governments are significant employers in Western Australia, with 25,500 staff, 1,113 Elected Members and over 18,000 bushfire volunteers. The WHS Act establishes a robust framework of health and safety duties that generally operate effectively within Local Governments. These duties align with the responsibilities of Local Governments, which encompass a wide range of operational environments—from office-based work to outdoor and community-facing roles and bushfire response. However, this diversity in operations presents unique challenges in consistently applying the duties across all contexts, particularly where resources can be limited. Two issues of concern relate to the management of Bush Fire Brigade volunteers and the applications of the WHS Act to roles and responsibilities in the Local Government context.

### Management of Bush Fire Brigade Volunteers

In representing Local Government, and as a member of the State Emergency Management Committee (SEMC) and the State Bushfire Advisory Committee (SBAC), WALGA is committed to supporting Local Governments to undertake their roles and responsibilities in emergency management.

Western Australian Local Governments play a significant and critical frontline role in bushfire management, with statutory responsibilities under the *Bush Fires Act 1954* and the *Emergency Management Act 2005*. Notably, Western Australia is the only state or territory where Local Governments have statutory responsibilities for bushfire response, including responsibility for managing Volunteer Bush Fire Brigades (VBFBs). 111 WA Local Governments are responsible for the management of 563 VBFBs, comprising more than 18,000 volunteers. Local Governments are responsible for initial bushfire response for over 91.8% of WA's land area and VBFBs and effectively suppress most bushfires before they escalate and threaten lives and property. Unlike other jurisdictions where rural fire services are managed by State Governments, WA's model places Local Governments in a position of significant operational responsibility, including bushfire response as well as brigade administration, training, and compliance.

Under the WHS Act, Local Governments are Persons Conducting a Business or Undertaking (PCBUs) and must ensure the health and safety of workers and others "*so far as is reasonably practicable.*" Section 7 of the WHS Act defines a worker as: "*Any person who carries out work for a PCBU, including an employee, contractor, subcontractor, self-employed person, apprentice or trainee, work experience student, employee of a labour-hire company, and a volunteer.*" The inclusion of volunteers as workers is a positive step for safety but has created significant compliance challenges for Local Governments managing VBFBs.

WALGA consulted with WA Local Governments to prepare this submission, which was endorsed by WALGA State Council on 10 December 2025, **RESOLUTION 256.FM/2025**.

## Key Issues

### 1. *Emergency Realities and Operational Complexity*

VBFB volunteers operate in inherently unpredictable, high-risk environments - responding to bushfires, structural fires and other emergencies. In some Local Governments these volunteers are the only / main first responders. Volunteers are frequently deployed across Local Government boundaries and jurisdictions, often with varying training, fitness, and equipment standards. During declared emergencies, full compliance with WHS obligations, such as fatigue monitoring, Personal Protective Equipment (PPE) checks, and risk assessments present significant practical challenges.

These issues are intensified in the case of spontaneous volunteers, who are not registered VBFB members and may lack necessary training and skills. Section 35A of the Bush Fires Act provides for direction of a spontaneous volunteer by the Local Government or an authorised officer. If this occurs, the Local Government assumes a duty of care and PCBU responsibilities. In some Local Government Areas, spontaneous volunteers, often un-registered farmer response units, are seen as integral to Bush Fire response and this poses additional exposures under the WHS Act. These individuals often arrive at firegrounds without prior registration, training, or integration into brigade command structures. This creates uncertainty around liability, supervision, and compliance obligations for Local Governments, who may have limited ability to control or direct these volunteers during the emergency.

Multi-agency incidents exacerbate accountability gaps: WHS duties remain legally non-transferable even when the State (DFES) assumes operational control, leaving Local Governments potentially liable for safety outcomes despite limited operational oversight. This creates a persistent risk of non-compliance and potential legal, financial, and reputational exposures for Local Governments.

### 2. *Industrial Manslaughter Offence*

The WHS Act introduced the new offence of industrial manslaughter, which provides substantial penalties for PCBUs and their officers where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm. The prosecution must establish, beyond reasonable doubt, that the person knew their conduct was likely to cause the death of, or serious harm to, an individual and they acted in disregard of that likelihood. It also provides for the voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance. Section 18 of the WHS Act outlines a definition of reasonably practicable, which is a guiding principle of the WHS Act that that all people are provided the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable<sup>1</sup>. Under section 27, it is a duty of officers to exercise due diligence in meeting WHS responsibilities.

The introduction of industrial manslaughter provisions under the WHS Act has heightened liability concerns for Local Governments as PCBUs for VBFB volunteers. Local Government CEOs are particularly exposed. Severe penalties, including imprisonment and significant fines apply where a failure to comply with WHS duties results in a death. However emergency realities and operational complexity, insufficient resourcing, lack of State guidance on how Local Governments should meet their PCBU responsibilities for VBFBs, and the fact that bushfire response is inherently dangerous

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<sup>1</sup> The term 'reasonably practicable' means what could reasonably be done at a particular time to ensure health and safety measures are in place. In determining what is reasonably practicable, there is a requirement to weigh up all relevant matters including:

- the likelihood of a hazard or risk occurring (the probability of a person being exposed to harm)
- the degree of harm that might result if the hazard or risk occurred (the potential seriousness of injury or harm)
- what the person concerned knows, or ought to reasonably know, about the hazard or risk and ways of eliminating or minimising it
- the availability of suitable ways to eliminate or minimise the hazard or risk
- the cost of eliminating or minimising the hazard or risk.

all limit the capacity of CEOs to meet their WHS obligations for VBFBs. Many smaller Local Governments that manage VBFBs have less than one dedicated FTE, and some no FTE available to undertake this work. Community Emergency Services Managers (CESMs), co-funded by State and Local Governments to support Local Government Emergency Management provide critical support to ensure operational readiness, coordinate volunteers' efforts, and implement effective bushfire mitigation strategies. However, there are 45 Local Governments that do not have access to a CESM, and many CESMs work with 2-3 Local Governments.

WALGA notes the significant concerns expressed by some Local Governments regarding the exposure of Chief Executive Officers to the industrial manslaughter provisions of the WHS Act in relation to bush fire volunteers.

WALGA acknowledges the views expressed by some Local Governments that the WHS Act requires amendment to either establish a separate framework for VBFBs or provide State-backed indemnity for Local Governments, recognising the unique operational context and volunteer status of brigades. While member opinions differ on whether volunteers should be excluded from the definition of "worker," to address these concerns, there is broad consensus that a tailored approach is critical. These positions reflect serious concerns among WA Local Governments about significant liability exposures—a challenge unique to Western Australia's emergency management arrangements. The State's failure to adequately consider Local Governments' statutory responsibilities for VBFBs during the design and implementation of the WHS Act 2020, and its ongoing lack of support, has compounded these risks and heightened calls for urgent reform.

### ***3. Volunteer Wellbeing and Broader PCBU Responsibilities***

Under the WHS Act, PCBUs must ensure the health and safety of workers across all brigade-related activities. This includes managing risks associated with training nights, social events, and volunteer wellbeing, such as fatigue, mental health, and drug and alcohol policies. These obligations significantly broaden the compliance scope for Local Governments and require proactive systems to address psychosocial risks, safe event management, and cultural change within brigades.

### ***4. Compliance Burden***

The treatment of volunteers as workers under the WHS Act requires Local Governments to implement systems equivalent to those for paid employees, and many WA Local Governments have more Bush Fire Volunteers than paid staff. This includes risk management processes, training programs and record-keeping, provision and maintenance of PPE/Personal Protective Clothing (PPC), development of Standard Operating Procedures (SOPs), and fitness-for-duty requirements. These obligations impose significant administrative and financial pressures across the sector. Local Governments often need to "top up" inadequate State Government funding to meet essential safety needs, such as purchasing industrial washing machines for PPE decontamination - items not covered under the Local Government Grants Scheme (LGGS). Funding through the LGGS has not kept pace with the increasing costs and WHS requirements of VBFBs and increased number of fire incidents. The LGGS now falls dangerously short of what is required to sustainably fund bush fire response, effectively leaving Local Governments without the resources to comply with WHS obligations for Bush Fire Volunteers.

### ***5. Sustainability of the Current Brigade Management Model***

The continued application of WHS obligations without clear direction on practical application to VBFBs, insufficient support and resourcing and relevant adjustments is creating an increased administrative and compliance burden that is impacting on some Local Governments' ability and willingness to continue to manage VBFBs. This has the potential to reduce local emergency response capacity and undermine community safety, as there is currently no practical, legally robust mechanism for Local Governments to transfer VBFBs to the State Government.

## 6. Insurance and Funding

Local Governments face ambiguity between workers' compensation and volunteer insurance coverage, creating uncertainty for both councils and volunteers. Funding through the State Government, DFES administered LGGS - the primary funding source for VBFs - has not kept pace with the increased compliance costs associated with WHS obligations, or the increasing burden of Bush Fire Response, leaving Councils under-resourced to meet legislative requirements.

## 7. Change Management

While some Local Governments advocate for practical adjustments to WHS obligations for Bush Fire Volunteers, others support maintaining alignment with the national model WHS Act to avoid change burden and maintain protections for volunteers. WALGA acknowledges this diversity of views and advocates for solutions that are cognisant of the complexity of responsibilities for Local Governments under the *Bush Fires Act 1954* (BF Act) and balance safety, practicality, and consistency.

### Recommendations

#### 1. Provide Greater Legislative Clarity on PCBU responsibilities during bushfire response.

WALGA considers that greater legislative clarity for accountability hierarchy under the Australasian Inter-Service Incident Management System (AIIIMS) for volunteers during emergency operations is required considering the WHS Act and the roles and responsibilities of Local Governments under the BF Act 1954.

Greater legislative clarity should include:

- A definition for how WHS responsibilities apply when operational control shifts between agencies, as Local Governments currently retain WHS duties even when State Government (DFES) assumes incident control, creating uncertainty and liability gaps.
- A definition and process for managing spontaneous volunteers at bushfire operations, indulging clear differentiation between spontaneous volunteers and farmer response units.
- Clarity for scenarios when a fire starts as part of business operations (e.g. harvesting) and then escalates to a level requiring response by Local Government VBFs.

#### 2. Implement a contemporary legislative and policy framework for bushfire management that addresses work health and safety concerns for VBFs and provides certainty on what "reasonably practicable" means under the WHS Act, as applied to VBFs, and how it should be achieved.

The *Bush Fires Act 1954*, which provides the framework for Local Government responsibilities for Bush Fire response is outdated and no longer fit for purpose. It is intended to be revised through the Consolidated Emergency Services Legislation however it is unclear when this legislation will be available. This exacerbates the WHS issues for VBFs. **WALGA Advocacy Position 8.4** advocates for a comprehensive and contemporary framework legislative framework, the Consolidated Emergency Services Legislation, to support effective delivery of emergency services in Western Australia. The intersect between the WHS Act and Local Government roles and responsibilities under the BF Act must be considered in the development of the Consolidated Emergency Services Legislation.

In response to sector concerns regarding risk and liability for management of VBFs arising from the WHS Act, **WALGA Advocacy Position 8.10** called on the State Government to establish a clear framework to enable Local Governments to transfer VBFs to the State Government should a Local Government choose to do so. There is currently no practical, legally robust mechanism for Local Governments to transfer VBFs to the State Government, with those Local Governments that have transferred their VBFs to DFES to manage generally doing so under a non-legally



binding MOU and retaining PCBU responsibilities. **Advocacy Position 8.10** also calls on the State Government to:

- consider the most appropriate operational model for management of Bush Fire Brigades, including the establishment of an independent Rural Fire Service; and
- work with WALGA, VBFBs, Local Governments and LGIS to develop a co-designed suite of relevant management guidelines and materials to assist in the management of Bush Fire Brigades, incorporating a risk management approach to meeting WHS requirements.

Together, these proposed reforms would significantly improve clarity for Local Government on how they can meet their responsibilities under the WHS Act, keep bushfire volunteers safe and minimise exposure to liability.

Additionally, the WHS Act review provides an opportunity to address the challenges faced by Local Governments and VBFBs, recognising that the practical application of WHS legislation to VBFBs was not adequately considered when the legislation was first developed. LGIRS and DFES should work together with WALGA and Local Government to provide greater certainty on what “reasonably practicable” means for Local Government PCBU responsibilities for VBFBs under the WHS Act, and how it should be achieved.

### **3. Increase Funding and Support for VBFBs through the LGGs and ensure all Local Governments that manage VBFBs have access to a CESM**

A key concern for Local Governments is the inadequate funding and support available for VBFBs. The LGGs is a funding process for Local Governments to provide support for these volunteers through funding the operations of their VBFBs. The LGGs funding source is the Emergency Services Levy (ESL). DFES through legislation is responsible for the administration of the LGGs to Local Governments.

Local Governments have consistently highlighted that the increased compliance obligations and responsibilities arising from the WHS Act have not been matched by adequate increases in LGGs funding or support. Meeting WHS requirements for VBFBs involves significant costs for PPE, training, health monitoring, insurance, and administrative systems. These costs are particularly challenging in high bush fire risk areas and for smaller Local Governments, however all Local Governments operate with limited budgets and staffing capacity.

WALGA calls for systemic improvements in emergency management resourcing, including:

**Advocacy Position 8.1** – The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.

**Advocacy Position 8.9** – Expansion of the Community Emergency Services Manager (CESM) Program, fully funded through the ESL, to ensure all Local Governments have access to professional emergency management support.

**Advocacy Position 8.8** – Immediate increase in State Government funding through the Local Government Grants Scheme to enable Local Governments to safely and effectively operate Volunteer Bush Fire Brigades and maintain compliance with WHS obligations.

**Advocacy Position 8.7** – Increased transparency and accountability in ESL administration and distribution, including a review of the CESM Program’s role, responsibilities, and reporting arrangements to ensure funding is targeted to frontline risk management and compliance needs.

WALGA also supports exploring additional funding mechanisms to address the growing financial burden of WHS compliance, particularly for VBFBs.

WALGA supports the formalisation of minimum training standards in the revised State Hazard Plan – Fire and calls for dedicated funding and implementation support to ensure all Local Governments can meet these requirements without compromising volunteer engagement.

## **Local Government governance - roles and responsibilities**

Under the *Local Government Act 1995*, Council has a governance role, setting strategic direction, approving budgets, and making policy decisions. The Council employs the Chief Executive Officer (CEO), who is responsible for the employment and management of all other Local Government employees. Under the WHS Act, Council Members are excluded from the definitions of both PCBU and officer. Council Members fall into the category of "other persons" under the WHS Act, meaning they do not carry the due diligence obligations that officers (such as CEOs) do.

### **Key Issues**

The classification of Council Members as other persons creates complexities for Local Governments in fulfilling their responsibilities under the WHS Act, including:

#### **1. Strategic influence**

The exclusion of Council Members from the definition of officer recognises that they do not manage day-to-day workplace systems or safety practices and have no ability to directly implement WHS measures. However, Council makes key decisions on resource allocation, policy direction, and risk appetite that materially affect WHS risk management. This influence complicates accountability and risk management, as Council decisions may conflict with WHS requirements or priorities. Budgetary pressures may also challenge the CEO's ability to uphold due diligence and maintain compliance.

#### **2. Inconsistent or Unclear Understanding of Protections and Duties**

There is sector-wide uncertainty about the practical scope of WHS protections available to Council Members and the duties they owe as "other persons." This lack of clarity leads to varied interpretations and confusion about what controls Local Governments should implement to safeguard Council Members while ensuring they meet their obligations. This includes when Council Members are interacting with each other, with the CEO as Council's employee, and with other Local Government employees, as well as when attending community and public events.

#### **3. Limited Mechanisms For Ensuring Compliance**

Local Governments face constraints in ensuring WHS obligations are met because Council Members are not employees and cannot be directed by the CEO.

### **Recommendation**

#### ***Provide Tailored Guidance and Support***

WALGA supports the provision of specific, practical guidance for Local Governments to clarify Council Members' protections and duties under the WHS Act and support a consistent approach across the sector.

### **Conclusion**

Local Governments remain committed to Work Health and Safety compliance and to their leadership role in emergency management. However, the practical challenges of applying the WHS Act to VBFBs require urgent attention. WALGA calls on the State Government to implement legislative clarity and provide adequate resourcing to ensure Local Governments can meet their obligations without compromising volunteer engagement or community safety.

These recommendations align with WALGA's advocacy positions, including the need for a clear framework for the voluntary transfer of brigade management to the State, expansion of the

Community Emergency Services Manager program, and increased funding through the Local Government Grants Scheme and Emergency Services Levy. Addressing these issues will support a safe, sustainable, and effective emergency management system for Western Australia.

The provision of specific, practical guidance for Local Governments to clarify Council Members' protections and duties under the WHS Act would support a consistent approach across the sector.

For further information on this submission in relation to the management of bush fire brigade volunteers, please contact Nicole Matthews, Executive Manager Policy, on 9213 2039 or [nmatthews@walga.asn.au](mailto:nmatthews@walga.asn.au) or on Local Government governance roles and responsibilities, Kirsty Martin, Executive Manager Member Services on 9213 2051 or [kmartin@walga.asn.au](mailto:kmartin@walga.asn.au).

## WALGA Emergency Management Advocacy Positions relevant to WALGA's WHS Act Submission

### 8.1 Emergency Management Principles

1. The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.
2. The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.
3. The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.

### 8.4 Consolidated Emergency Services Act

1. The Association advocates for the development of a Consolidated Emergency Services Act to provide a comprehensive and contemporary legislative framework to support the effective delivery of emergency services in Western Australia. The Legislation should clearly define the roles and responsibilities of all emergency management stakeholders including Local Government.
2. The Local Government sector seeks ongoing engagement in the scoping and co-design of the Act and associated Regulations and supporting materials such as Guidelines and fact sheets.
3. The Association advocates for DFES to undertake a full costing analysis of the new Act and to provide to Local Government details of the cost implications prior to the release of any Exposure Draft Bill.
4. Any new or increased responsibilities placed on Local Government by the Consolidated Emergency Services Act must be accompanied by funding and resource support to enable Local Governments to adequately discharge those responsibilities.
5. The Association recognises that in addition to the Consolidated Emergency Services Act, the Regulations and other supporting materials that are developed to support it provide a key resource for Local Governments in understanding and discharging their legislative obligations

### 8.7 Emergency Services Levy

1. Local Government request the implementation of the recommendations from the 2017 Economic Regulation Authority (ERA) Review of the Emergency Services Levy, which supported increased transparency and accountability in the administration and distribution of the ESL through:
  - a. Expansion of the ESL to fund Local Government emergency management activities across prevention, preparedness and response;
  - b. Administration of the ESL by an independent organisation that is funded through consolidated revenue, with regular independent reviews of expenditure and assessment of the effectiveness of ESL funding expenditure to support prevention, preparedness and response activities;
  - c. The ESL administration fee should recompense Local Governments for the complete cost of administering the ESL;
  - d. Public disclosure of the allocation and expenditure of the ESL;
  - e. Public disclosure by the State Government on the progress of implementation of each of the ERA Review recommendations; and
  - f. A review of the role, responsibilities and reporting arrangements of the Community Emergency Services Manager (CESM) Program.
2. Local Government advocates that the ESL should be collected by the State Government, but failing that, the administration fee should recompense Local Governments for the complete cost of administering the ESL.

#### 8.8 Local Government Grants Scheme Local Government supports:

1. A full, independent review of the LGGGS to investigate and analyse how ESL funds are allocated to Local Government via the LGGGS;
2. A redesign of the LGGGS to remove the ineligible and eligible list and create a sustainable, modern, equitable grants program that funds Local Government emergency management activities across prevention, preparedness and response;
3. An audit of existing buildings, facilities, appliances, vehicles, and major items of equipment for both Local Government Volunteer Bushfire Brigades (BFB) and State Emergency Services (SES) to inform the preparation of a Comprehensive Asset Management Plan and to guide future funding requests; and
4. in the interim, an immediate increase in the quantum of State Government funding to enable the provision of funding of operating and capital grant applications in full, to provide all resources necessary for the safe and efficient operation of Local Government Bushfire Brigades, in accordance with obligations of the Work Health and Safety 2020 legislation.

#### 8.9 Expansion of the Community Emergency Services Manager Program

That the Association advocates for an expansion of the Community Emergency Service Manager (CESM) Program, as follows:

1. All Local Governments should have the option of participating in the CESM Program.
2. The full cost of the CESM Program should be funded through the Emergency Services Levy.

#### 8.10 Management of Bush Fire Brigades

1. Bush Fire Brigade volunteers play a critical role in helping to protect their local communities. Local knowledge and skills are integral to bushfire management in Western Australia.
2. Future management and funding of volunteer Bush Fire Brigades must:
  - a. Recognise the changing risk environment, including work health and safety requirements, and the increasing intensity and frequency of bushfires;
  - b. Take account of the differing circumstances of Bush Fire Brigade units and regional variations in bush firefighting approaches; and
  - c. Be adequately and equitably resourced through the Emergency Services Levy.
3. The State Government, through the Consolidated Emergency Services Act and/or other mechanism's must:
  - a. Establish a clear framework to enable transfer of Bush Fire Brigades to the State Government if a Local Government decides to do;
  - b. Consult on the process, timeline, and implications for transfer of responsibility for Bush Fire Brigades in accordance with 3(a) through the establishment of a working group comprising representatives of Local Government, Bush Fire Brigades, the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Department of Fire and Emergency Services (DFES);
  - c. Provide for mandatory and minimum training requirements and recognition of competency and prior learning for Bush Fire Brigade volunteers, supported by locally delivered fit-for-purpose and universally accessible training program, designed in consultation with Bush Fire Brigade representatives, Local Government and LGIS, and managed by DFES; and
  - d. Develop a co-designed suite of relevant management guidelines and materials to assist in the management of Bush Fire Brigades.
4. As a matter of priority within the emergency services Acts review, the State Government to consider the most appropriate operational model for management of Bush Fire Brigades, which may include the establishment of an independent Rural Fire Service, as recommended in the 2016 Ferguson Report.