



FROM THE PRESIDENT

Hi to everyone at this time while we are experiencing the turn in our seasons.

Spring and summer role on please !

Sorry to the winter lovers.

I do watch in interest, the demands that are placed on us SES Volunteers by DFES.

Meetings during business hours, that affect our normal ability to make a living, the Minister reminding us that career staff run the emergency services, and volunteers will do as they are told.

The passage of time sees the pendulum swing from side to side.

At one time, if a volunteer caught a cold, all career staff received the same. Currently it may appear to some that we are no longer important in the overall picture of being a true local resource to work with and for the community in which we live.

There is no doubt that we are seeing a metro centric management model that is immature in its approach to community raised and based organisations.

Will this improve in time?

Well that is not up to DFES or the Minister, its in the hands of the owners. Yes, that's us in the SES world. We own our patches and DFES has a duty to ensure that we are resourced to meet our local needs

Many would be surprised with that statement? If you have needs that are not being met because we are encouraged to accept a one size fits all approach from career staff, then its time to collectively speak up respectfully.

Another word of caution is that once we lose our independence, it is gone!

Indeed I have witnessed Local Governments being encouraged to transfer the LGGS payment to DFES to manage, thus ensuring our future is managed out of our towns.

Don't believe that all those in government organisations are working to ensure that we, the SES, are well resourced, and that we can recruit and retain volunteers to educate and respond to our communities. Again, many staff members in government are truly focused on doing this **but they are not where you are**, living with what you have or have not.

People helping people is our local model but personalities can close units. All the best to the Jurien Unit that was closed because of a personality. Lets not abandon our community for the sake of a square peg attempting to be forced into a rounded community.

Respect, integrity and relationships are required by we the SES. Most of all, smile and enjoy the volunteers tasks we achieve day in and day out.

Take care everyone, great times are coming.

Greg Cook
President

FROM YOUR TEAM AT THE SESVA

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This issue of the SESVA Newsletter contains extremely important information for SES Volunteers.

Please read carefully.

SES Volunteers are special people who provide their time freely to assist their local Communities.

Actions are occurring which severely affect your ability to help your local community.



DFES & SES

We have had many requests from SES Volunteers over the years regarding the relationship between the SES Units, SES Volunteers and DFES.

In an endeavour to clarify the matter, and to dispel many erroneous opinions in existence, with many of these erroneous opinions being stated as fact, we publish the following opinion by Dr Michael Eburn (Barrister and Honorary Associate Professor at the ANU College of Law, the Australian National University, Canberra), who discusses legal issues affecting the emergency services (that is fire, ambulance and rescue services) in Australia.

Dr Eburn holds the following degrees:

- Bachelor of Commerce (in Economics)/Bachelor of Laws (NSW);
- Bachelor of Arts (with Honours in Philosophy. Honours dissertation – The Sanctity of Life and the Law: A review of two recent cases) (New England);
- Master of Laws (by thesis- Euthanasia and Medical-end-of-life decisions in Australia) (Newcastle, Australia);
- Master of Professional Education and Training (Flexible, Online and Distance Education) (Deakin); and
- Doctor of Philosophy (by thesis – Australia's International Disaster Response – Laws, Rules and Principles) (Monash).

COMMISSIONER & WA SES

By Dr M Eburn

Today's question comes from WA and is about the SES. In an earlier post - BA for a West Australian bush fire brigade? (August 6, 2020) I described the WA law relating to fire brigades as a 'mismatch' with the Fire and Emergency Services Act 1998 (WA) superimposed over the old and still in force Bush Fires Act 1954 (WA) and the Fire Brigades Act 1942 (WA). Like retrofitting solar panels or central heating to an old house, it may work but it's better to install these things from the start.

The situation is different for WA SES. There is not an SES Act that has to be read with the Fire and Emergency Services Act 1998 (WA) ('the FES Act') but that still doesn't make the position of the SES clear. With that in mind, I'm asked to

- ... provide an opinion on the FES Commissioners power under the FES Act over volunteer SES Units. Note that units are incorporated in WA.

This is really affecting the volunteers here as DFES is taking a strong ownership stand over the State Emergency Service. Note that there are no SES staff at all in WA now. The SES is funded through the ESL Local Government Grants Scheme and administrated by local government.

COMMISSIONER & WA SES - CONT'D

The provisions relating to the SES are set out in Part 3A. The first section of that part, s 18A described the functions of the Commissioner, not the SES. The Commissioner's functions are:

- to manage the provision of emergency services in relation to natural disasters; and
- to provide for the carrying out of search and rescue operations; and
- to promote the safety of life and property from natural disasters, accidents and other events that may require search and rescue operations to be carried out; and
- to provide for the carrying out of assistance operations; and
- to have general responsibility for all SES Units.

In order to fulfil those functions, the Commissioner may 'provide equipment and training to SES Units' (s 18B(2)). SES units are 'approved' rather than established by the Commissioner.

Section 18C(1) says:

The FES Commissioner may, by notice in the Gazette, approve as an SES Unit any group of persons, however constituted and whether incorporated or not, that the FES Commissioner considers to be appropriate for approval as an SES Unit.

An SES unit may (s 18E):

- acquire and maintain equipment; and
- carry out training activities and exercises; and
- carry out demonstrations and other public education activities; and
- carry out fundraising and promotional activities; and
- organise and participate in competitions; and
- carry out any activities that are reasonably incidental to the performance of its functions (such as travelling, providing communications systems and providing meals); and
- carry out any other activities that are, or are in a class of activities that is, prescribed.

What follows is that there is no legal entity that is the WA SES. The Commissioner has functions to perform (s 18A) and may do that by approving groups as SES units. Those units are to assist the Commissioner and in return the Commissioner can provide them with training and equipment. The Commissioner could choose other ways to perform the functions set out in s 18A.



COMMISSIONER & WA SES - CONT'D

A situation that could arise, and one might infer is intended by the Act is that a group of people get together and create the Kickatinalong SES unit. They could incorporate their group under the Associations Incorporation Act 2015 (WA). As an incorporated association it would be a separate legal entity capable of suing and being sued. The management committee of the association would be responsible for and required to manage the organisation in accordance with its rules and the Act (Associations Incorporation Act 2015 (WA) s 38). The Incorporated unit as a separate legal entity could purchase equipment which it would own. The management committee could approach the FES Commissioner who might consider that the objects and purposes of the association mean that they can assist the Commissioner to meet his or her obligations under s 18A of the FES Act. The Commissioner could then approve the Association as an SES unit (s 18C) and give equipment to the unit to help them to function. Nowhere in any of that is there any power in the Commissioner to direct the SES unit how it is to function.

The SES unit could do all those things listed in s18E but it could do those things as an incorporated association in any event.

There is nothing in the FES Act that says that the Commissioner has any responsibility for managing an SES unit. The closest is s 18A(e) which says that one of the Commissioner's functions is 'to have general responsibility for all SES Units' – whatever 'general responsibility' (as opposed to the specific responsibility of the management committee if it's an incorporated association) might mean.

The Commissioner can however give directions and set standards for SES units as a condition of registration. That is if a unit failed to follow the Commissioner's directions he or she may determine 'that it is no longer appropriate for the Unit to be approved' and the Commissioner could cancel the approval to operate as an SES unit (s 18C(2)). Loss of approval would mean a loss of FES provided equipment and training (s 18B) and any money that comes via the ESL and DFES. Further if the unit were no longer approved as an SES unit, the members would lose the protection provided by Part 6B 'Compensation for injury, loss or damage' and s 37 'Protection from personal and vicarious liability'. The unit and the members could no longer use the name State Emergency Service or SES or any logo that suggested they were an SES unit (s 38B). They are 'big sticks' that the Commissioner can wield to try and create 'an SES' where units are compelled to cooperate with the Commissioner's 'strong ownership stand'.

COMMISSIONER & WA SES - CONT'D

Conclusion

The FES Act does not create a Western Australian State Emergency Service. Rather it requires the Commissioner to perform certain functions and to do that he or she can 'approve' SES units – there is in effect (if I've counted them properly) 66 separate SES units each of which could have their own relationship with the Commissioner rather than a single service. The legislation gives the commissioner no explicit power to manage or give direction to the unit.

The 'Commissioners power under the FES Act over volunteer SES Units' is an undefined power to have 'general responsibility for all SES Units' coupled with the de facto power to require compliance with the Commissioner's standards and directions on the basis that if a unit does not comply then the Commissioner may determine 'that it is no longer appropriate for the Unit to be approved'. The loss of approval would in effect mean that, even an incorporated association, could no longer function as an SES unit and would lose its reason to exist.

If you have any questions regarding Dr Eburn's opinion please contact the SESVA on 0418 403 960

SESVA AGM

The Annual General Meeting of the SES Volunteers Association of WA (Inc) will be held at 0930 hrs (9.30am) on Sunday 6th September 2020.

Due to COVID-19 restrictions and its effects, the meeting will be conducted mainly via Zoom.

Due to social distancing requirements, there is limited room for some attendees, so if you wish to attend in person at our offices at 91 Leake St Belmont, please advise the Secretary to confirm your space.

Room is limited, so first come first served.

Each SES Unit is entitled to one vote, and the Authorised Delegate Form must be received by the Secretary by 3rd September 2020 in order for the Unit to vote.

Upon receipt of the Delegate Form, Zoom details for the meeting will be sent to the Authorised Delegate.



KALBARRI SES

It has been a busy month for Kalbarri SES with two operations in the National Park and lots of training.

Casualty evacuation from Z Bend:

At 1.30pm on Tuesday July 7 they received a call advising that a walker had injured her knee on the Z Bend walk trail in Kalbarri National Park and needed assistance. 5 local SES volunteers attended and located the casualty, a middle aged women, about 400 meters from the carpark. She had lost her footing and fallen and in doing so had injured her knee. She was in extreme pain and was unable to straighten her leg or put any weight on it. We provided first aid and immobilised the injured limb. She was secured in a stretcher and was carried by SES volunteers and Department of Parks and Wildlife staff to the car park. Saint John Ambulance attended and she was handed over and conveyed to Kalbarri for treatment.

Casualty evacuation from The Loop:

At 1.30pm on Thursday July 16 they received a call from Communications Centre advising that a 45 year old female hiker had seriously injured her ankle at the 3.5 kilometre marker on The Loop walking trail in Kalbarri National Park. 11 SES volunteers turned out for this incident and realising that this would be an arduous evacuation, we called on our colleagues from Kalbarri Fire and Rescue Service for help and 5 members were able to turn out.

On arriving at the scene they despatched a first aid and reconnaissance team of 2 SES volunteers who went ahead and assessed the situation while we prepared our equipment. A further 4 SES and 4 VFRS volunteers then made the trek to the incident location. Fortunately St John Ambulance Community Paramedic was in the area and travelled to the scene and was able to provide first aid and pain relief to the casualty who had a serious ankle injury and was in extreme pain.

The casualty was secured in the stretcher and between SES and VFRS volunteers, the paramedic and Department of Parks and Wildlife staff we commenced the long journey over very rough terrain to the waiting ambulance at the car park. This carry was made more difficult by poor weather conditions with steady rain and cool temperatures. darkness fell about halfway through the trip. The SES "mule", a one wheel stretcher carrier came into its own for much of the trip however the stretcher had to be manhandled many times over steep and rough terrain.

KALBARRIS SES - CONT'D

The 4 kilometre carry took us 3 hours with the crew arriving at the car park soaking wet and freezing cold and very satisfied that we had successfully completed a very difficult operation and handed the casualty over to the ambulance crew for transport to Kalbarri Medical Centre.

The bedraggled SES crew returned to unit headquarters at 8.00pm and after half an hour sorting wet equipment and restocking for any further call outs we went home for hot showers and sustenance!

This operation was once again an excellent example of the cooperation between local emergency services with all agencies working together as one.

Many thanks to all involved from SES, VFRS, St John Ambulance, and DPAW.



FACEBOOK

Just a quick reminder the SESVA is on facebook.

Western Australian SES Volunteers Association

<https://www.facebook.com/groups/42218868165/>

Follow us to get all the current information affecting SES Volunteers.



MEET YOUR REGIONAL REPRESENTATIVE

Region: North Coastal

Darren Wyatt
0426 533 573

sesva.northcoastal@ses-wa.asn.au



Darren has been an active member of Stirling SES since mid-2013 and has recently taken on the role of Deputy Local Manager. Darren has been awarded the Stirling SES Member of the Year twice in that time and is qualified in the SES member pathway,

SES Search and Rescue pathway and SES Operations/Communications pathway. He has also completed other courses including Workplace Trainer Assessor, Search and Rescue Team Leader, ATU and Advanced WAERN Radio Communications. Darren also served in the Royal Australian Air Force for around 8 years as a Communications Operator and is a qualified trainer assessor for Field Radio Operations within the SES.

LIFTING AWARENESS YOUR SES UNIT

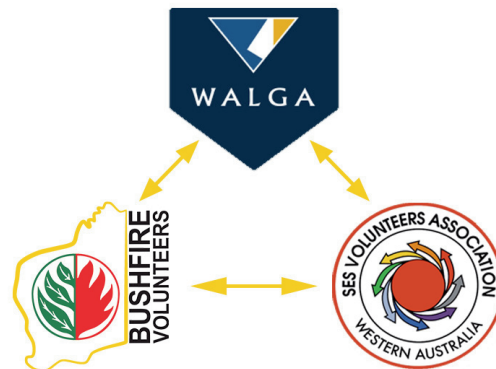
The SESVA is looking for stories together with good high resolution images of SES units attending incidents, giving demonstrations/talks at local schools, holding community events or in fact doing anything which promotes your Unit and the SES.

We will attempt to have your stories published in local WA newspapers, both country and metro, to raise awareness of the wonderful work SES Volunteers do to support their local communities.

Please submit your stories and images to
Lin Booth, sesva.secretary@ses-wa.asn.au.

We look forward to hearing from you.

MOU SESVA - BFB - WALGA



SESVA, Bushfire Volunteers, and WALGA discuss formal engagement and consultation agreement

The SESVA has a long history of working with the WA Local Government Association (WALGA) on various issues and projects.

Since DFES created the Local Government Grants Scheme Working Group (LGGGS WG) mid last year, we have worked alongside WALGA and the BFB Volunteers Association to try to improve the ESL funding process for our SES Units.

Largely because of that project - but also because it makes sense at a much broader level - we recently had a meeting with WALGA to discuss a memorandum of understanding (MOU) about the way we engage and consult with each other in future.

While more time is needed for each of the associations to fully consider the idea, we were keen to share some of the work we are doing to improve outcomes for SES volunteers.

Of course, we will keep you updated as we work through the process and as always, welcome constructive feedback from any SES Volunteer.

MERCHANDISE

Don't forget the SESVA has a range of items that can with recruitment campaigns and promotion of your Unit.

Just contact Bella at the SESVA office.



UNIT VISITS

For many years now the SESVA President and Secretary have tried to personally visit as many SES Units as possible each year.



This year it is their intention to visit every Unit in the state before 30th June 2021. A big task as this is a very big state.

The most recent visits have been on 31st July to 3rd August to Units in the Pilbara.



Karratha, Port Hedland, Newman and Tom Price Units were all visited.

Discussions with Local Managers and SES Volunteers covered many topics and were frank and open. Many myths were "put to bed" and questions answered.

Between 14th and 17th August Units in the Kimberley were visited.

Broome, Derby and Kununurra Units.

Local Managers and SES Volunteers met with the President & Secretary to discuss many matters and once again some myths were corrected.



TRAINING MATTERS

The SESVA is revamping the website, with a release date very soon.

One of the good things to come out of COVID-19 were the expressions of thanks we received for distributing training ideas to SES Units during the early critical days of COVID-19.

This result has led us to include a page in our new website with ideas Unit Training Managers can use to plan weekly continuation training.

For this to work, we need you to submit details of training you have conducted on a training night, so we can publish these ideas and other Units can use them.

During COVID-19 the ideas we published were written by Sarge Bottacin from Merredin Unit and Robert Palmer from Mundaring Unit.

Obviously they cannot keep writing ideas, so we need your input.

Please forward ideas to the Secretary
Lin Booth sesva.secretary@seswa.asn.au

The more ideas we receive, the easier the Training Managers role will become.

HISTORICAL PHOTO'S

Don't forget the SESVA are looking for photos, video's, slides and/or film from the Dawn of Time to create a visual history of our great organization.

Copies can be sent to us in a digital format - just ensure the scan is high resolution (at least 300dpi). Just send them to Bella at the office.

HOW TO KEEP INFORMED

Don't forget we have a website which keeps you informed of what is happening across the state in SES land.

We also have "the App". (SESVA WA) and are on Facebook.

And also, if you would like our newsletters, other relevant information etc forwarded direct to your email, just contact the SESVA office (sesva.office@ses-wa.asn.au), and advise your details.