



Speech by

**Liz Cunningham**

**MEMBER FOR GLADSTONE**

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## **FIRE AND RESCUE SERVICE AMENDMENT BILL**

**Mrs CUNNINGHAM** (Gladstone—Ind) (7.30 pm): I rise to speak to the Fire and Rescue Service Amendment Bill 2006 and, in doing so, acknowledge the wonderful work done by our full-time firefighting crews at Gladstone as well as the auxiliary and rural firefighters. They have a position that is called on at the most inopportune times—the most difficult times. As other speakers have said, they rise to the occasion and fulfil their responsibilities wonderfully. The full-time fire service is now the first response in many emergency situations and they are a great asset to the community and a group of people whom the community respects and admires.

Over time smoke alarms have been shown to be a major factor in the survival of families and individuals when a fire breaks out. There have been difficulties with the hard-wired fire alarms in that—and I know that they have become a requirement in recent times—often times the call-outs are not genuine fires and that incurs a cost to the home owner if indeed it is a false call-out. However, I do not think that many families would have a genuine reason not to have an approved fire alarm in their home, because there is a broad cost cross-section of approved fire alarms available in most retail outlets. If a family cannot afford to buy enough alarms for every room or every area of their home in one hit, a family can certainly over a short period of time purchase cost-effective alarms that will afford them a great measure of protection.

One of the real benefits of portable fire alarms—the ones people can get at the shop—is that they are reasonably cheap and they are effective. The member for Fitzroy was having a discussion with the minister earlier about the replacement date for batteries. The minister's attitude is a very positive one—that is, that people should pick a time during the year when they will remember to change the batteries. If we pick a date and make it the mandatory date, there will no doubt be families for whom that will be a very expensive time of the year. But they can pick a date where their regular bills are not as heavy, because the reality is that purchasing four or five batteries for alarms is a budget item for a normal working family. So they can pick not only a date in the year, as the minister said, that they will not forget but also a time when their bills are not perhaps at their highest in order to replace those batteries.

One thing with fire alarms is that when the batteries are flat it gives this horrible beeping sounds that reminds you very directly that the batteries need to be replaced. A lot of people would be compelled to replace the batteries just to get rid of the annoyance, and that is a plus as well. The member for Fitzroy also mentioned his concerns about people in the suburbs with bars on their windows, and it is a quandary for residents because so many people, particularly the elderly, feel very threatened in the community now—their neighbourhood—and they secure themselves so that nobody can get in. But the corollary is that they are not able to get out. There is a balance between people in the community, particularly older people, establishing a sense of self-safety but also bearing in mind their ability to exit a building if they need to in the case of a fire.

The advertising campaigns on TV relating to this issue have been very effective, especially the campaign, 'If there's a fire, what do you do? Get down low and go, go, go.' Also effective have been the campaigns showing that if an alarm has gone off and a child comes to a door they should test the door to see if it feels hot and if it does feel hot they should not open it but identify another form of escape. Ours is

very simple: you just jump out of the closest window. But if you are in a two-storey building that might be a little bit unacceptable. Certainly, it is important for families to sit down and discuss escape plans.

The fire brigade is very responsible in that it goes around all businesses to ensure that escape plans are in place. It has been to my office to ensure that we have an escape plan. I carry the budgie out and we meet out the front.

**Mr Johnson:** Don't forget the budgie!

**Mrs CUNNINGHAM:** No, you cannot have barbecued budgie. The fire brigade has checked to make sure that we have an escape plan for either the front or the back of the office, and I have to commend it for its conscientiousness.

The Scrutiny of Legislation Committee raised a couple of concerns. It raised one concern in relation to the quantum of the penalty provisions of section 149—the significant offence creating section—and it substantially increases the maximum penalties associated with breaches of certain provisions. These include that the occupier of a building must maintain a means of escape from the building; the occupier of a building must maintain the prescribed fire safety installations; the occupier must have a fire and evacuation plan; the obligation to prepare a fire safety management plan; and other obligations about fire safety management plans. In relation to those five provisions, the maximum penalties range now from 2,000 penalty units or \$150,000 or three years imprisonment down to 750 penalty units or \$56,250 or one year's imprisonment.

They are very hefty fines. However, when they are put in the context of some of the fires that we have seen in this state and interstate where a significant number of lives have been lost—and in some instances merely because the owner or occupier of a building has closed a fire exit by putting a filing cabinet or a cupboard in front of it or closed the exit off permanently to allow for one extra bed or bedroom to be available for hire—it puts those hefty fines into perspective. It is the old adage: what price do you place on a life? Another concern that the Scrutiny of Legislation Committee has raised is in relation to the removal of protection against self-incrimination. Clause 10 of the bill omits section 58 of the act which provides a general exclusion of the rule against self-incrimination where a person under the provisions of part 6 of the act is required to answer a question or give information. Clause 11 amends section 58A of the act which outlines reasonable assistance to be provided, principally to re-enact an existing exclusion of the self-incrimination rule where a person is required under section 58A to provide assistance to an authorised fire officer.

However, clause 11 provides a form of use and derivative use immunity where the person required to provide assistance is an individual and the requirement is to give information or produce a document. I think the derivative use protection is very important for people who are obligated to give information which is self-incriminating. If it is to be used in relation to investigations of a fire or other matter but there is no derivative use, there is an element of protection.

The view of the Scrutiny of Legislation Committee was that denial of the protection afforded by the self-incrimination rule is only potentially justifiable if the question, information or documents concern matters that are peculiarly within the knowledge of the person to whom they are directed or by whom they are to be supplied and which would be difficult or impossible for the Crown to establish by an alternative evidentiary means, and that the bill prohibits the use of the information obtained in prosecutions against the person—the derivative use protection—and the use indemnity should not require the person to fulfil any conditions before being entitled to it. Whilst the protection against self-incrimination is being removed, there are protections that enclose that removal. This would normally be enacted in tragic circumstances, and I believe that it is fair and reasonable.

We have a wonderful fire service whose members put themselves at significant risk. I commend those members Queensland-wide and I also commend those of my electorate, both the full-time auxiliary firefighters and the rural firefighters. I look forward to them having an absolutely boring summer. I hope that we have significant rain, which will reduce the fire hazard. I commend the bill to the House.