



**SUBMISSION TO THE FEDERAL INQUIRY INTO
THE 2002-2003 SUMMER BUSHFIRE DISASTER**

May 2003

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TABLE OF CONTENTS

<i>EXECUTIVE SUMMARY</i>	3
Summary recommendations	4
<i>INTRODUCTION</i>	6
<i>TERMS OF REFERENCE ADDRESSED</i>	7
TOR a the extent and impact of the bushfires on the environment, private and public assets and local communities;	7
TOR b the causes of and risk factors contributing to the impact and severity of the bushfires, including land management practices and policies in national parks, state forests, other Crown land and private property;	8
Climatic conditions and familiarity with fire	8
Inadequate hazard reduction burning in NSW	9
Recommendations	10
Increased fire severity and risk of personal injury through poor communications	11
Recommendations	11
Poor fire trail maintenance and construction	12
Recommendation	12
TOR c the adequacy and economic and environmental impact of hazard reduction and other strategies for bushfire prevention, suppression and control;	13
Hazard Reduction Burning	13
Further trends in hazard reduction burning	15
Environmental impact of hazard reduction	16
Recommendation	18
TOR d appropriate land management policies and practices to mitigate the damage caused by bushfires to the environment, property, community facilities and infrastructure and the potential environmental impact of such policies and practices;	19
Environmental policies/legislation and private hazard reduction burning.	19
Policy changes to the operating structure of the RFS.	22
Recommendation	23
TOR h the adequacy of deployment of firefighting resources, including an examination of the efficiency and effectiveness of resource sharing between agencies and jurisdictions;	24
Recommendation	25
<i>TERMS OF REFERENCE NOT ADDRESSED</i>	26
TOR e any alternative or developmental bushfire mitigation and prevention approaches, and the appropriate direction of research into bushfire mitigation;	26
TOR f the appropriateness of existing planning and building	26
TOR i liability, insurance coverage and related matters;	26
<i>CONCLUSION</i>	27

EXECUTIVE SUMMARY

The NSW Farmers' Association argues that hazard reduction burning (HRB) is an underutilised tool in landscape management across the Eastern seaboard of Australia. This failure to make use of hazard reduction burning guided by research, traditional knowledge and pragmatism increases the risk of further personal tragedy and public anxiety, resulting from bushfires.

It is essential that appropriate structures and programs be developed to arrest declining levels of effective HRB activity across NSW, in particular across areas remote from urban populations where the costs and logistic constraints restrict suppression actions that are justified and achievable at the urban bushland interface of major cities.

The Association argues that, in addition to asset protection and biodiversity benefits, an expansion of regular hazard reductions burning would increase general community awareness and ultimately the collective experience of the population with respect to fire, both as a feature shaping the landscape and as a tool for reducing the general fire hazard.

The Association argues that public confidence and local awareness about efforts to reduce bushfire risk through hazard reduction activities would be improved through a readily available public register that provided annual assessments of fuel loads, hazard reduction activities and bushfire risk assessments for public lands in NSW. To ensure independence the register should be established through an independent commission reporting to an appropriate Minister. The Association urges the inquiry to further examine the development of such a public register.

The Association believes that management of fuel loads should be considered. It is as a cost effective tool for reducing bushfire risk across broad areas of regional Australia and as a tool for vegetation and conservation management within that framework that the Association calls for an expansion of broadscale hazard reduction burning.

The Association calls for a greater use of fire breaks (or buffer zones) at and within the boundary of all Crown Lands, combined with a system of well maintained fire trails, as a way of augmenting hazard reduction burning and provide access for suppression, respectively.

In NSW, since the election of the Carr Government, in 1995, the area of public land now being managed for conservation has increase by 42%. It is noted that the total resources allocated to management of this land has also significantly increased. The Association acknowledges some effort to reduce fire risk has been made within the limits of resources. It argues that the change in land tenure has brought a change in management approach. NSW Farmers' Association believes that this change in land management has resulted in a larger area of bushland being managed for the suppression of bushfires (at the site of strategic assets) rather than for an overall reduction in fuel loads through hazard reduction burning (HRB).

Summary recommendations

The NSW Farmers' Association is calling for an expansion of broad scale, mosaic, burning regimes across the landscape, to achieve the reduction of fuel load across broad areas, over a regular cycle as a cost effective tool for reducing the severity and spread of bushfires.

And to further reduce the risk to people, private property and stock a policy to implement fire breaks (or buffer zones) be established at and within the boundary of all Crown Lands and an accountable improvement in the levels of maintenance of strategic fire trials be made.

The Association calls for the establishment of a readily available public register to provided annual assessments of fuel loads, hazard reduction activities and bushfire risk assessments over public lands in NSW. The Association believes that the register should be established through an independent commission reporting to an appropriate Minister.

The Association believes that situation reports, arising from all bushfires incidents in Crown Lands be provided regularly and be broadened to include all agencies, and that standard terminology be adopted by all agencies involved in fighting fires.

The Association seeks that a coordinated approach be developed for communication across agencies for fire events.

The Association is supportive of a New South Wales Rural Fire Service review, currently underway, of Zone Radio Communications. The review is to examine the strategic relevance and cost of such an approach.

The Association is supportive of accountable improvement in the levels of maintenance of strategic fire trials, recognising the necessary compromise between access and the need to exclude undesirable elements.

The Association also strongly supports the development of a system of buffers around Crown Land that hold a significant risk of bushfire

The Association supports that hazard reduction approval not be required for routine agricultural purposes, such as stubble burning, burning diseased crops, orchard pruning and grazing.

The Association supports the development of a formal structure to ensure local knowledge takes precedent in fire fighting operations.

The Association supports the use of hazard reduction burning as a multi-functional tool in landscape management, meeting hazard reduction, conservation and land management needs.

INTRODUCTION

The NSW Farmers' Association is the premier lobbying organization for over 13,000 farmers in NSW. As the peak representative group for the custodians of approximately 70% of the land area of NSW - the NSW Farmers' Association represents the majority of professional broad acre farming enterprises in NSW. The Association wishes to make a submission because of the continued frustration that Association members have experienced during this and past fire seasons. In addition the concerns of members as to the impact current levels of hazard reduction burning have had/may have on owners of agriculturally productive land and biodiversity in crown estates.

The Association sought comment from its membership in relation to the Terms of Reference for the inquiry and their feedback forms the basis of the Association's submission. Despite the short time frame available, the Association received approximately 40 responses.

TERMS OF REFERENCE ADDRESSED

**TOR a the extent and impact of the bushfires on the environment,
private and public assets and local communities;**

NSW Farmers' Association has received numerous calls and letters expressing dismay at the short comings and poor management that has given rise to the disastrous conflagration of the past summer.

Appendix A has a summary of responses to surveys sent out by the Association following these summer fires; and Appendix B contains a copy of the original survey. A total of 40 surveys were returned prior to the closing date for the submission.

The attached summary constitutes the Association's answer to this term of reference.

TOR b the causes of and risk factors contributing to the impact and severity of the bushfires, including land management practices and policies in national parks, state forests, other Crown Land and private property;

The Association makes no comment on the actual causes of any particular fire as it has neither the expertise nor the information to make definitive comments. The Association refers to the inquiry a submission provided to an ACT Coronial Inquiry into this summer's bushfires that gives a chronology of some events in the Snowy Mountains area of NSW, see appendix C.

Climatic conditions and familiarity with fire

It is recognised by NSW Farmers' Association that extreme climatic conditions leading into this summer's fire season greatly added to the risk of severe bushfire across a wide area and a variety of fuel types. A detailed analysis of the contribution the drought made to the eventual size and scope of the fires is beyond the Associations resources, other than to say it would be expected to be considerable.

The Association argues, however, that a focus on the contribution of the drought to the conflagration of last summer, should not be at the expense of a detailed examination of the causes and risk factors that, although accentuated by the drought, exist as a result of broader land management practices.

Although seemingly self evident, the severity of the impact of any natural disaster is greatest where the event is infrequent and the population impacted is under prepared¹. Both familiarity with fire and preparedness for it are improved by the regular use of fire as a land and risk management tool. This is most easily done through regular hazard reduction burning.

The Association argues that an expansion of regular hazard reductions burning would increase general community awareness and ultimately the collective experience of the population with respect to fire, both as a feature shaping the landscape and as a tool for reducing general fire hazard.

¹ CALM Western Australia (1994) Report to the Hon Kevin J Minson MLA Minister for the Environment WA from the Fire Review Panel at 1.

Inadequate hazard reduction burning in NSW

Inadequate levels of hazard reduction burning of areas of Crown Land in NSW have been documented. Following the 1993/1994 fires, the NSW Legislative Assembly Select Committee on Bushfires was established and subsequently recommended that all public authorities accept the responsibility of conducting adequate hazard reduction burning and provide and maintain fire trails on their land.² A more detailed discussion of this issue can be found under TOR c.

The definition of bush fire hazard reduction activities within the NSW *Rural Fires Act (1997)* is:

- a) *the establishment or maintenance of fire breaks on land; and*
- b) *the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire.*

Anecdotal evidence gathered from the Association's members confirms the high level of concern landholders have about the level of hazard reduction burning activities across Crown Land, in particular hazard reduction burning in the areas affected by this summer's fires. Responses to a question about where and when the last hazard reduction burning activity occurred included;

- "At least 20 years ago in Clive State Forest and no fire breaks graded since 1960s. If hazard reduction had been carried out, fire would have been a lot easier to extinguish ".*
- "Never in area adjoining Milmill and property even though it was requested on a regular basis over 20 years ".*
- "3 years ago, 100ha of hazard reduction. Cannot remember any hazard reduction in our end of the Kosciuszko National Park ".*
- "Over 50 years ago - NPWS Scone. Complaints from city-based hobby farmers stopped hazard reduction being undertaken ".*

*Names and addresses are with held for privacy reasons, although contact can be made through NSW Farmers' Association.

² NSW Legislative Assembly, *Report of the Select Committee on Bushfires*, November 1994.

The Association argues that public confidence and local awareness about efforts to reduce bushfire risk through hazard reduction activities would be improved through a readily available public register that provided annual assessments of fuel loads, hazard reduction activities and bushfire risk assessments for public lands in NSW. To ensure independence the register should be established through an independent commission reporting to an appropriate Minister. The Association urges the inquiry to further examine the development of such a public register.

Considerable evidence exists detailing the effectiveness of hazard reduction burning in reducing bushfire intensity and spread over a number of years following the hazard reduction burn. An extensive study of the effectiveness of hazard reduction burning across Victorian Forests reported that while fine ground level fuels may reach pre hazard reduction levels 3- 5 years after a burn. When elevated shrub and bark fuels were also burnt the fuel loads were reduced for significantly longer periods, up to 25 years³. Evidence from Association members indicates that levels of bark and shrub fuels are considerable factors in generating fierce bushfires from lower intensity fires.

Recommendations

The NSW Farmers' Association is calling for an expansion of broad scale, mosaic, burning regimes, across the landscape, to achieve the reduction of fuel load across broad areas, over a regular cycle as a cost effective tool for reducing the severity and spread of bushfire.

And to further reduce the risk to people, private property and stock a policy to implement fire breaks (or buffer zones) be established at and within the boundary of all Crown Lands and an accountable improvement in the levels of maintenance of strategic fire trials be made.

The Association calls for the establishment of a readily available public register to provided annual assessments of fuel loads, hazard reduction activities and bushfire risk assessments over public lands in NSW. The Association believes that the register should be established through an independent commission reporting to an appropriate Minister.

³ Tolhurst, K.G. *et.al.* (1992) Low Intensity fire behaviour and fuel dynamic in dry sclerophyll Forest. Research Report No 349. Forest Research, Dept.. Conservation and Natural Resources, Victoria 40pp

Increased fire severity and risk of personal injury through poor communications

Reports from members indicate that communications on a fireground are fragmented. In most cases, there is no shared system of communication between New South Wales Rural Fire Service (RFS) and New South Wales National Parks and Wildlife Service (NSWNPWS) on the fireground; nor does an interagency communication system exist for a rural fire event. Members believed that most problems occurring in fire suppression can be considered to be as a direct result of an inability to contact individuals when the need arises.

An array of bushfire communication issues have been raised by members, such as:

- Different terminology/language exists across the various agencies, this hampers recognition of information especially during crisis.
- No system of communication between air support and ground crews. On-ground crews were not notified early enough of water bombing and were too close to water bombing. In addition, a report was provided of aerial incendiary from helicopters dropped over crews (Clarence Valley).
- Poor communications between operations and firefighting personnel. A lot of outside personnel working in control centre did not have knowledge about where to contact local brigades/crews.
- Reports of messages/requests not being passed onto the next shift of firefighters, with advice not received when requested equipment has arrived.
- Lack of communication down the chain.
- Debriefing consultations after a fire event have been replaced by form-filling. It is necessary that all operations must have a critical analysis of resource effectiveness and efficiency.

Recommendations

The Association believes that situation reports, arising from all bushfires incidents in Crown Lands be provided regularly and be broadened to include all agencies, and that standard terminology be adopted by all agencies involved in fighting fires.

The Association seeks that a coordinated approach be developed for communication across agencies for fire events.

The Association is supportive of a New South Wales Rural Fire Service review, currently underway, of Zone Radio Communications. The review is to examine the strategic relevance and cost of such an approach.

Poor fire trail maintenance and construction

The Association's membership reported a number of cases where fire trail access was limited or poor due to inadequate maintenance and/or poor trail construction.

"NPWS have few decent breaks around its boundary and in this situation fight fires from adjacent private property" (members comment, Scone NSW, 2003), rather than from a fire trail of fire break inside the park. The result is a much greater impact on the adjoining private property assets such as fences, pastures and or crops.

Primary producers, particularly those who adjoin or closely neighbour National Parks, State Forests or vacant Crown Land, have a legitimate interest to ensure that fire trail maintenance, clearing and where necessary buffer zones are established over publicly managed land.

A solution that must be investigated is the greater use of fire breaks (or buffer zones) at and within the boundary of all Crown Lands combined with a system of well maintained fire trails to augment hazard reduction burning and provide access for suppression. This approach would provide infrastructure and management alternatives that could reduce the risk of bushfire impacting on private property adjoining Crown lands. Secondly, it would prevent fire originating on private land from entering the Crown Estate.

Recommendation

The Association is supportive of accountable improvement in the levels of maintenance of strategic fire trails, recognising the necessary compromise between access and the need to exclude undesirable elements.

The Association also strongly supports the development of a system of buffers around Crown land that hold a significant risk of bushfire.

TOR c the adequacy and economic and environmental impact of hazard reduction and other strategies for bushfire prevention, suppression and control;

The NSW Farmers' Association has advocated, over at least the past decade or so, that the approach to hazard reduction activities by State Government agencies is becoming increasingly inadequate. Of particular concern to the Association's members is the decline in the level of hazard reduction burning in National Parks and Crown Reserves.

Hazard reduction using prescribed burning, referred to hereafter as hazard reduction burning (HRB), involves setting fire to areas of land in a predetermined manner at a planned intensity and time, typically during cooler months of the year⁴. Hazard reduction burns aim to remove fine dry fuels, thereby reducing the total amount of fuel available to bushfires originating during summer months.

A major finding of the NSW Coronial Inquiry into the fires from August 1994 to February 1996, was that hazard reduction burning activities had not been adequate in many fire prone areas and consequently this failure was principally responsible for the intensity of the fires. The Deputy State Coroner found that:

"Unwittingly, many of the backburns conducted during these (January 1994) bush fires were not truly backburns to stop the fires, but hazard reductions to protect property that should have been carried out as part of fuel management policy prior to the bush fires."

"The evidence satisfied the Court conclusively, that throughout NSW during the period 1989-1993, the fuel load was not managed as intended by Parliament and high fuel loads were principally responsible for the intensity of the uncontrollable fires."⁵

The 1998 Auditor-General's Report, entitled "The Rural Fire Service: The Coordination of Bushfire Fighting Activities", also recommended that hazard reduction strategies need improvement and greater guidance and assistance needs to be provided to local communities in this regard.⁶

Hazard Reduction Burning

⁴ McCarthy, J. G and Tolhurst, K.G. (2001) Effectiveness of broadscale fuel reduction burning in assisting with wildfire control in parks and forests in Victoria. Research report No. 51, Natural Resources and Environment.

⁵ NSW Coroner, *NSW Bushfire Inquiry*, Findings, Volume 4, at 362.

⁶ NSW Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, December 1998 at 66.

During the bush fires of 2001-2002, available figures indicated that the level of prescribed burning operations conducted on lands managed by the NPWS has declined by 60% over the last 7 years, from 47,816 hectares (ha) in 1993/94 to just 19,220 ha in 2000/01. Furthermore, the average area of prescribed or hazard reduction burning by NPWS over the last 4 years is just 11,700 ha per annum.⁷

A comparison of hazard reduction activities, undertaken by the two largest public land managers, NSWNPWS and State Forests, reveals a marked contrast. An Agency Fuel Reduction Report for 2000/01 indicates that State Forests completed 440,817 ha of hazard reduction activities, or a total of 15.5% of their land. NPWS undertook 19,936 ha of hazard reduction in the same period, which corresponds to 0.37% of the land under their management.⁸

It is argued that all that can be done is being done to ensure hazard reduction burnings. The Director-General of NSWNPWS stated, at the NSW Joint Select Committee Inquiry in bushfire in 2002 *"we would always like to do more than the weather lets us get done in any one year"*⁹

This is a familiar response, regularly put forward to explain away declining levels of hazard reduction by NSWNPWS. This is evident from the Director-Generals comment during the Joint Select Committee on Bushfires, June 2002 where in answer to the question; do you cavil (meaning trivial or annoying objection) with the amount of hazard reduction activities over this period? (Referring to the last few years);

*"In every year since I have been the Director -General of NPWS we have only managed to do roughly half or less of what we have had scheduled and would have like to have achieved"*¹⁰

It needs to be answered; if climatic condition, logistics and resources prevent many of the planned hazard reductions from taking place, for a succession of seasons, as indicated, alternative measures need to be implemented to reduce the risk to life, property, live stock, crops and pastures from possible summer bushfires.

⁷ Media Release, The Hon George Souris MP, Leader of the NSW National Party, 11 January 2002.

⁸ Bush Fire Co-ordinating Committee, Agency Fuel Reduction Report – Year 2000/2001.

⁹ Interview with Kerry O'Brien on the 7:30 Report 21/01/2003 at 7:39 pm, ABC TV

¹⁰ Report of Proceedings Before Joint Select Committee on Bushfire, of the NSW Parliament, Sydney, Monday 3rd June 2002.

Importantly, the Association remains concerned that recommendations from previous inquiries have not resulted in increased hazard reduction activities taking place to help prevent the devastation as witnessed in the recent bush fires.

Further trends in hazard reduction burning

The NSW Farmers' Association argues that key influences over the area of land under regular hazard reduction burning is land tenure and regulation governing hazard reductions activities on private lands. The transfer of management jurisdiction from a production based systems, under State Forest of NSW, to one with a conservation aim, under the National Parks and Wildlife Service, has brought with it differences in policies and practices - the role of fire as a management tool has changed respectively.

In NSW, since the election of the Carr Government in 1996, the area of land being managed for conservation has increase by 42%. It is noted that the total resources allocated to the management of Crown Land has also significantly increased. The Association is not arguing that efforts to manage fire risk have not been made, rather it is stating that with the change in land tenure comes a change in management approaches. NSW Farmers' Association argues that this change in land use aims has seen a larger area of bushland managed for the suppression of bushfires, at the site of strategic assets, rather than for an overall reduction in fuel loads through hazard reduction burning (HRB).

Under a production oriented system, low intensity firing or hazard reduction was used as an asset and landscape management tool - it was seen as a cost effective tool to reduce bushfire risk and for silviculture. In contrast, management practices aiming for a conservation outcome appear to see fire as an external, although natural, phenomena that can be, through a strategic approach, suppressed, if required. This is demonstrated in NSWNPWS policy position .

" best used in a highly strategic manner to reduce fuels immediately adjacent to buildings and structures at the interface with bushland and at carefully targeted points in the landscape where fuel reduction limitation may facilitate effective suppression of bushfires"¹¹

¹¹ Submission by NSW National Parks and Wildlife to a Joint Select Committee of the NSW Parliament looking into the 2001-2002 Bushfires. April 2002.

The shift away from broad scale HRB towards a strategic approach may have application at the urban-bushland interface; however it is less effective in non-urban areas. It is the Associations belief that this has lead to an increased risk of more severe bushfire events in regional NSW, particularly under highly adverse climatic conditions.

Additional influences on hazard reduction burning result from the meeting of expanding urban development and existing Crown Land. This gives rise to:

- an increased risk of more significant damages bill if an uncontrolled bushfire develops as a result of hazard reduction actions.
- an increase in the damages bill when suppression of bushfire fails.
- greater perimeter requiring suppression actions and hazard reduction management.
- Air pollution regulations restricting burning activities.

The greater number of high value assets in a close proximity to Crown Land increases the chance of an adverse fire event resulting in significant assets damage (Five damaged houses on the urban fringe is more costly both financial and politically than a destroyed length of fence line, pasture, crop and stock). It can be argued that the policy response to this threat has been the implementation of a strategic approach to hazard reduction backed up by a significant increase in suppression capability around the urban fringe. This manifests as the strategic or zoning approach¹².

NSW Farmers' Association acknowledges improvements and the saving of life this approach seems to have delivered, in particular in the Sydney basin, but would argue that achieving these gains at the expense of broad scale hazard reductions in non-urban Australia represents a policy failure. Again this could be remedied thought the expansion of broadscale hazard reduction in regional areas as a compliment to the strategic approach closer to the urban areas.

Environmental impact of hazard reduction

Fire has been a notable part of the Australian landscape from the first recorded observations of the continent. The explorer Charles Sturt introduced his book on vegetation stating "there is no part of the world in which fires create such havoc

¹² Submission by NSW National Parks and Wildlife to a Joint Select Committee of the NSW Parliament looking into the 2001-2002 Bushfires. April 2002.

as in New South Wales, and indeed Australia generally¹³. From the earliest European settlement the management of fire and the use of fire across the landscape has been a factor shaping the character of the landscape and indigenous and new inhabitants. The removal of regular firing from the landscape removes a key driving force, up until the last 150 years, shaping the nature of the native vegetation of Australia. Anecdotal evidence put forward by the members testifies to changes in the vegetation structure and floristic composition through the exclusion of regular low to medium intensities fires, see appendix D.

The current debate over the environmental impacts of hazard reduction appears, when not based around ideology, to have degenerated into an argument over degrees. Few would disagree that much of Australia's native vegetation is tolerant of, if not dependent upon, a range of fire regimes. Few would disagree that past fire regimes were a substantial element in the composition of the many ecosystems and their attendant biodiversity¹⁴. Furthermore, few would disagree that fire at a broader scale acted as a major force in shaping the vegetation structure across much of the landscape¹⁵. Rather the argument seems stuck over how best to apply fire across the landscape and whether we can apply fire at the broadscale level when not enough is known about particular species and the way they interact with fire. Laudable as this may be, unfortunately considering this question in isolation leads to perverse conclusions. The question should be "which burning regimes can vegetation communities withstand and remain viable in the long-term". Basing vegetation management strategies on minimising the impact hazard reduction burning has on a community or population ignores basic evolutionary mechanisms. Over time, such strategies will lead to the proportion of that population which has adapted to bushfires, diminishing. The likely outcome is a population or vegetation community less tolerant of the impact of bushfires.

The environmental impact of the past summers fires appears to be significant. For example, members report the lack of epicormic sprouting (shoots emerging from under the bark layer at times of stress or defoliation) in the majority of sprouting species, from the mid-slope, upper-slope and the ridge tops, across large areas of the Brindabella ranges. This suggest that the fires were of such an intensity that tree species normally adapted to fire were killed or damaged to

¹³ The Australian Landscape – Observation of Explorers and Early Settlers , Ryan, D.G, Ryan, J.R and Starr, B.J.: no date, Murrumbidgee Catchment Management Committee, NSW

¹⁴ Keith *et al.*, (2002;) Fire management and biodiversity conservation: key approaches and principals; in Flammable Australia ed: Bradstock.R.A, Williams, J.E. and Gill, M.A.: Cambridge University Press.

¹⁵ Gill *et.al.*, (2002) Fire regimes and biodiversity: legacy and vision: in Flammable Australia ed: Bradstock.R.A, Williams, J.E. and Gill, M.A.: Cambridge University Press.

such a degree as to delay their normal regeneration response. Clearly, what needs to be investigated is whether this is indeed the case and if the exclusion of fire from areas may have contributed to the intensity of the fire across large areas of the landscape.

An important note to any consideration of fire regime is the spatial and temporal heterogeneity in the character of fire within the landscape, across different topographic, climatic, vegetation and land use gradients. The NSW Farmers' Association recognises the complex nature of fire management and the debate within the scientific and general community as to appropriate levels of hazard reduction burns. It also accepts that areas exist in which hazard reduction burns, through the use of fire is not possible or appropriate for a number of reasons including; conservation, pollution levels, occupational health and safety needs and fire risk.

Hazard reduction burning is as a cost effective tool for reducing bushfire risk across broad areas of non-urban Australia as well as a tool for vegetation and conservation management within the landscape. For these reasons the Association believes an expansion of broadscale hazard reduction burning should be implemented as a fundamental component of the normal management of crown land in Australia. The Association puts forward that hazard reduction burning should be used as a multi-functional tool in landscape management.

Recommendation

The Association supports the use of hazard reduction burning as a multi-functional tool in landscape management, meeting hazard reduction, conservation and land management needs.

TOR d appropriate land management policies and practices to mitigate the damage caused by bushfires to the environment, property, community facilities and infrastructure and the potential environmental impact of such policies and practices;

A number of policy options exist to mitigate the risk of future damaging conflagrations. NSW Farmers' Association wishes to bring these options to the attention of the Parliamentary Committee inquiring into this summer's bushfires. A key policy initiative is to allow individual landholder the ability to easily and flexibly undertake hazard reduction activities. This is explored below.

Environmental policies/legislation and private hazard reduction burning.

The NSW Farmers' Association has long advocated that complex and bureaucratic environmental legislation is preventing effective hazard reduction burning from occurring. The Association's concerns on the issue have, in part, been addressed through policy changes being implemented in NSW. It is hoped a description of the process will highlight the issue and some potential solutions for other jurisdictions.

As a result of growing concerns amongst members of New South Wales Farmers' Association (NSWFA) about the complexity of regulations implemented in NSW to regulate HRB, NSWFA campaigned very strongly on the need to simplify HRB regulations during the 1999 NSW elections. In response, the NSW Government established an Inter-Departmental Committee (IDC) to review the regulatory arrangement, and to determine the extent to which they were hindering appropriate HRB.

In late 2001, and two years later, the IDC finalised their report for the Minister for the Environment. The report attempts to emphasise that the complexities of environmental legislative requirements in respect to effective bush fire hazard reduction is a "perceived impediment" rather than an "actual impediment" for some sectors of the community. Such interpretation is quite extraordinary considering that the report highlights the following:

"The environmental assessment system is complex and the subsequent regulations under the Rural Fires Act have not included a resolution of the issue of hazard reduction and environmental assessment." "Currently, the environmental assessment of hazard reduction activities is derived from a diverse array of legislation administered by a number of different Government agencies. This statutory complexity is responsible for

confusion in landowners (and occupiers) and the prevailing perception of an apparent (but not an actual) conflict between the various requirements. It is this perception that impedes effective implementation of environmental assessment and hazard reduction activities."

"The current arrangements are clearly unacceptable with a substantial potential, if not real, cost burden being borne by the community and government agencies." "In some instances, bush fire hazard reduction is not being undertaken at all. This appears to be for a number of reasons including: the lack of clarity surrounding the environmental assessment process, the lack of clarity surrounding the applicable legislation, the difficulty for landholders in identifying which agency is responsible for ensuring the environmental assessment is undertaken, the perceived greater legal liability for undertaking an inadequate or inappropriate environmental assessment compared with the "do nothing" approach, and the level of detail to which environmental assessment should be undertaken."¹⁶

Given that these comments were written by the governments own bureaucrats, it is clear they provide a strong and unambiguous critique of policies in place at that time. Additionally, in 1998 the NSW Auditor-General noted that:

In one rural fire district the bush fire management committee has been unable to undertake any hazard reduction activities for three years because of the requirements of the Protected Lands Act. The difficulty arises because of inadequate information about species or the effects of fire prevention activities on the local environment. As a result, Fire Control Officers, brigades and bush fire management committees are uncertain whether they have adequately assessed the likely impact of actions on the environment." "The issue which must be resolved is what level of protection a community is willing to accept and the level of sacrifice of competing wants which must occur..."¹⁷

The Rural Fire Service Association has also raised significant concerns in regard to the lack of hazard reduction burning being undertaken due to environmental legislative constraints:

"Why is it too hard? Simply the level of bureaucracy involved is such that there is too large a burden on volunteers and the amount of environmental legislation that needs to be coped with too extensive. People have literally 'given up'! Whilst the Association understands the need to protect our environment and its lifestyle enriching biodiversity we believe that it is time for the pendulum to swing back towards a recognition of the

¹⁶ Interdepartmental Committee Policy Review Report for the Minister for Environment, *Environmental Assessments for Bush Fire Hazard Reduction Proposals*, Vol. 1 Main Report (October 2001).

¹⁷ NSW Auditor-General, Performance Audit Report, *Rural Fire Service: The Coordination of Bushfire Fighting Activities*, December 1998.

need for the protection of life and property to be paramount in any decision making process.”¹⁸

In most cases, public land management agencies are required to undertake an Environmental Impact Assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*, prior to implementing hazard reduction activities.

The Proposed System

NSW Farmers’ Association recognises that some progress has been made with regard to the streamlining of environmental approvals for hazard reduction burns with the introduction of the NSW Rural Fires and Environmental Assessment Legislation Amendment Bill 2002.

The primary objectives of the Bill are to amend the Rural Fires Act 1997 and the Environmental Planning and Assessment Act 1979 to:

- allow for a streamlined environmental approach to hazard reduction; and
- provide the Rural Fire Service (RFS) with more authority in the residential planning process, for new developments in high-risk bushfire areas.

The existing complex and bureaucratic environmental approval process (ie. using Part 5 of the EP&A Act, or the Threatened Species Act, etc) will be streamlined to provide a one-stop shop (via local councils) for landholders to get hazard reduction burns approvals. Local councils will issue a bushfire hazard reduction certificate in place of all the other onerous approvals, consents or authorities that are currently required – an excellent outcome and one that the Association has long advocated. The certificate will be issued free of charge and for a 12 month period.

It is very important to emphasise that hazard reduction approval under this new system will not be required for routine agricultural purposes, such as stubble burning, burning diseased crops, orchard pruning and grazing. Only one hazard reduction application will need to be approved under the new system, regardless of multiple land tenures – so a public land manager can undertake the environmental assessment for land under their management and for adjoining private land, if the private landholder agrees.

The Association will be involved in the development of this code, and will ensure that one complex process is not simply replaced with another. This policy direction, that the NSW Farmers’ Association has played a major role in achieving, must be practicable.

¹⁸ Luscombe, D. (President of Rural Fire Service Association) in *Bushfire Bulletin*, Vol.23 No.3, 2001.

Policy changes to the operating structure of the RFS.

NSW Farmers' Association members have argued in many forums that the current structure of the RFS and the volunteer brigades results in Fire Control Officers having a dual accountability. In addition, operational protocols, more often than not, exclude local knowledge from making a contribution at all levels of bushfire management

At present, under the Rural Fires Act 1997, in NSW, the FCO effectively has two masters – the General Manager of the Council and the Rural Fire Commissioner since he or she is answerable to both.

This situation is untenable in the long term and causes conflict and great difficulty for the FCO. Ultimately, it means that the Local Council is not able to adequately manage bush fire issues. This issue was raised constantly with NSWFA in conversations with local Councils.

The Auditor-General also articulated concerns in his report about the problems caused by the dual accountability of FCOs and noted the fact that attempts to address the problem have not been successful. By way of example members reported incidents of obstruction and or indecision by some staff within the RFS, NSWNPWS and Fire Control Officers resulting in substantial delays in attack on fires, during this summers fires.

Reform of the management of FCOs revolves around the need to ensure that the management of bush fire issues is accountable, efficient and responsive to the needs of local communities.

Furthermore, the Association is dismayed at the continued reports from its members of a lack of consultation with local officers, landholders and/or the ignoring of advice on local conditions. The Association strongly believes that consultation should occur to decide the management of a fireground and should be allocated to personnel with relevant experience and knowledge of local fire barrier features.

- It has been reported that a farmer was not notified of fires on his boundary and therefore did not have the opportunity to move stock which therefore perished. (Nundle)

- It was reported that against strong local opposition, a NPWS backburn was undertaken in extremely risky conditions which resulted in a farmer's internal and boundary fencing being badly damaged or obliterated. Locals were seeking to wait and conduct the backburn under more favourable weather conditions. (Jindabyne)
- It was reported that constant fighting between RFS and NPWS occurred, with both flatly refused to listen to local knowledge and over-rode property owners. (Hunter Springs).
- Local landholders asked and were refused NPWS permission to backburn a perimeter of the National Park to create a fire break to stop the progress of fire. NPWS were relying on the road to stop the fire. The fires came out of the National Park and leapt over roads and devastated large areas of Wellingrove-Kingsland. (Glen Innes)

It is the Associations understanding that some National Parks under the NSWNPWS did not accept Rural Fires Act 1997 changes, so some have clauses within their Operational Plans which may give NSWNPWS responsibility for fire events above the local Fire Control Officer.

Recommendation

The Association supports that hazard reduction approval not be required for routine agricultural purposes, such as stubble burning, burning diseased crops, orchard pruning and grazing.

The Association supports the development of a formal structure to ensure local knowledge takes precedent in fire fighting operations.

TOR h the adequacy of deployment of firefighting resources, including an examination of the efficiency and effectiveness of resource sharing between agencies and jurisdictions;

A key complaint put to the Association for inclusion in this submission and submission in the past is the lack of common effective resource sharing between agencies and jurisdictions. The key issues of concern are;

- ambiguities between agencies as to which are responsible for a fire or for hazard reduction burnings (see member comments below in paragraph following the bullet points).
- within agency confusion as to the zone or regions responsible. Comments by a Hunter valley member testify to this issue;

“Ownership of fire problems, my property is located on boundary of 2 fire zones (Singleton & Crawley) creating problems”, May 2003.

- inability to gain clear permission for private actions to prevent fire spread from any agency involved in the fireground management and;
- poor recognition and use of local knowledge to set suppression priorities, back burns and the establishment of emergency access tracks.

The NSW Framers Association would also like to put to the inquiry its support and thanks to the many RFS volunteers who gave their all in efforts to fight the many fires across NSW this last summer. The comments under this term of reference seek to highlight systematic failures of interagency interaction rather than make a criticism of the effort and support given by volunteers.

The following comments by a member typify the concerns over systematic failures during this summer’s fire.

“Fire started in the National Park adjoining my property Milmilland. Conflict between RFS and NPWS as to who was in charge. Day 2, fire was brought under control on private land but was still burning strongly in NPWS country. A private request to grade a fire break established around the boundary some years earlier was ignored and consequently a wind change brought the fire back onto private property and is when the bulk of the damage was done. Quote to NPWS for assistance to repair fencing was sent on 15 Dec 2002 with no answer or assessor to this time. No explanation (from NPWS or RFS) as to why the fire breaks were not utilised. A very rushed debriefing session was held, with affected landholders not informed of the meeting.”

Recommendation

The Association supports actions to remove ambiguities between agencies and within regions over responsibilities for fireground management.

TERMS OF REFERENCE NOT ADDRESSED

NSW Farmers' Association is not able to comment on the following terms of reference as it does not have adequate resources to assess them.

- TOR e** **any alternative or developmental bushfire mitigation and prevention approaches, and the appropriate direction of research into bushfire mitigation;**
- TOR f** **the appropriateness of existing planning and building codes, particularly with respect to urban design and land use planning, in protecting life and property from bushfires;**
- TOR g** **the adequacy of current response arrangements for firefighting;**
- TOR i** **liability, insurance coverage and related matters;**

CONCLUSION

Through this submission, NSW Farmers' Association has put forward the concerns of its membership that hazard reduction burning (HRB) is an underutilised tool in landscape management across the Eastern seaboard of Australia.

Importantly the Association's membership argues that this failure to make use of hazard reduction burning guided by research, traditional knowledge and pragmatism increases the risk of further personal tragedy and public anxiety, resulting from bushfires.

The NSW Farmers' Association would also like to put to the inquiry its support and thanks to the many RFS volunteers who gave their all in efforts to fight the many fires across NSW this last summer.