

**A review of the Victorian Government response
to the Parliamentary Environment & Natural
Resources Committee Inquiry into the Impact of
Public Land Management Practices on Bushfires
in Victoria**



Victorian Lands Alliance

landsalliance@bigpond.com

www.landsalliance.org

June 15th 2009

Introduction

The multi-party Environment and Natural Resources Committee [ENRC] chaired by former Labor minister John Pandazopoulos tabled its comprehensive report in the parliament on June 26th 2008 after 15 months of investigation. The government responded to the report on December 4th 2008.

The Inquiry report and recommendations are widely supported within the community because of the perception there was thorough investigation of the issues and willingness by the committee to consider the views of all stakeholders.

The community view, in general, was that the committee would be in a strong position to provide solutions on public land management to government.

It was therefore very disappointing to many in the community to hear the government response to the 20 recommendations in the parliament on December 4th 2008 and view the subsequent 2009 Budget allocations relating to fire management.

Degrees of Support for the Inquiry Recommendations

Of the 20 recommendations, seven were supported by the government so they will not be discussed further here. The remaining 13 recommendations were 'Supported in Principle'.

These degrees of support are explained by the government as follows:

- *Support*: indicates that the Victorian Government agrees with the committee's recommendation.
- *Support in Principle*: indicates that the Victorian Government agrees with the intent of the recommendation, but not necessarily with the method proposed by ENRC for achieving that outcome. Alternatively, the Victorian Government may believe that while there is some merit in the recommendation, further analysis is required in relation to some aspects of the proposal.

Community concern at the Government response

The concern of the Victorian Lands Alliance [VLA] and the broader community, expressed at the time of the government response, is that by not embracing these recommendations fully after this extensive investigation and by referring some recommendations for 'further analysis', the environment and the community will suffer more of the same impacts that initiated the inquiry.

This has already occurred on February 7th 2009 with the Black Saturday tragedy.

Referring well researched recommendations from a bi-partisan committee, supported by stakeholders and the community for further analysis appears to have little merit.

This is particularly so when it is documented by the Auditor General and others, that the failure to implement existing regulations, codes of practice and performance targets, led in part, to the catastrophic impacts detailed in the inquiry report.

The community is ready for the government to accept and start implementing the Committee recommendations to mitigate fire risk for the upcoming bushfire season. There is little doubt that in the implementation of the recommendations some adaptation will need to occur as improvements are made and circumstances change. This is a preferred course of action rather than further analysis.

Victoria's Bushfire Strategy was released in December 2008 as the government response to the ENRC Inquiry report, followed by fire funding and target announcements in the Budget in May 2009. The 32 page Strategy document acknowledges that *"to carry out the burning program at the scale necessary will require a significant investment in trained and experienced fire-fighters"* and *"The current scale of planned burning is insufficient to deliver desirable protection and ecosystem service needs"* and yet the budget does not appear to provide the funding for this to happen.

Simply put, the broad statements in the Strategy that appear to support increased fire management on public land will not be funded from the current budget. The budget specifically states that the burn target for 2009/10 is 130,000 hectares, the same as the previous four years. The budget also states that the number of accredited fire personnel is expected to fall from 1664 to 1500!

Of even more concern, after the worst fire disaster Victoria has ever experienced, is the total 2009 budget allocation for Land and Fire Management of \$198.1M. This is a 6.4% increase – minimal given the circumstances – on 2008/09 and an 11% decrease on 2007/08. Given the repeated highlighting by departmental staff in the ENRC Inquiry report of the personnel and resource constraints related to fire management over successive years, this level of funding appears destined to thwart successful management.

The following key steps need to be implemented to have any prospect of achieving progress in fire management in Victoria:

- There needs to be a clear policy statement from government on the level of prescribed burning to be undertaken on an annual basis.
- Government must outline the specifics it will use to implement the following recommendations, complete with performance standards and annual targets to be achieved.
- Given the expenditure of approximately \$1.8 billion in taxpayer funds on fire suppression and recovery over the last six years, an independent annual review of fire management and prevention outcomes compared to targets set by the government, be undertaken and tabled in parliament by June 30 annually.

Recommendations Supported in Principle by the Government

[The government response is in bold following the ENRC recommendation, which is then followed by the VLA response]

ENRC Inquiry Recommendation 2.1

That the Department of Sustainability and Environment implement remote sensing imagery as a routine part of its pre-burn and post-burn assessment process for prescribed burning. Maps of every prescribed burn should be produced in a similar format to those used in Western Australia, indicating the boundary of each burn and the varying fire intensities achieved within the burn area. The boundaries of all Fuel Management Zones within each burn should also be indicated.

Each prescribed burn map should be made publicly available on the Department of Sustainability and Environment's website, together with a map of the same burn area which shows the pre-burn fuel hazard levels and a statement of the total area treated within each Fuel Management Zone by each prescribed burn.

Government Support in Principle

The Victorian Government supports this recommendation in principle. The Department of Sustainability and Environment (DSE) has trialled the use of remote sensing imagery for planned burn assessment. The trial involved a range of different approaches and included a review of the Western Australian Department of Environment and Conservation's (DEC) remote sensing algorithms and techniques for application in Victoria.

Remote sensing technology has already been used for initial fire severity assessments of planned burns. Steps include conducting pre and post burn scanner flights to capture imagery, analysis and interpretation of imagery followed by field validation and ground truthing. The trial suggests that airborne multi-spectral scanning is likely to be the most effective and efficient technology available for Victoria's needs.

VLA response:

The VLA has no expertise in sensing imagery, therefore has no comment to offer.

ENRC Inquiry Recommendation 2.2

That in order to enhance the protection of community and ecological assets, the Department of Sustainability and Environment increase its annual prescribed burning target from 130,000 hectares to 385,000 hectares. This should be treated as a rolling target, with any shortfalls to be made up in subsequent years.

Government Support in Principle

The Victorian Government supports this recommendation in principle. The Victorian Government supports planned burning to improve protection, conservation and production outcomes. However, the annual area treated by planned burning needs to be determined based on science and risk management frameworks and be subject to suitable opportunities as dictated by seasonal conditions. Given this, the Government recognises that the amount of planned burning will vary to take into account these factors.

The Government supports a move away from focusing on hectare-based targets which may lead to inappropriate planned burning programs. They do not account for differences in the effort required for small area asset protection burns (often around settlements) compared with larger scale mosaic burns in more remote areas. The latter, while not providing immediate and apparent asset protection are important for achieving multiple outcomes. A combination of both is required.

VLA response:

Taking into consideration the inability of DSE to meet their own burn targets over many years, as well as the need for the department to have clear guidelines on the expectations of the community, the VLA most strongly supports this Inquiry recommendation to set clear targets for fuel reduction burning.

Current departmental targets are, in the view of the community and the Inquiry, too low. The department appears to be at odds with the weight of bushfire science and research which suggests a minimum of five per cent burning of the forest area, with many saying this benchmark is still too low.

Contrary to the government response these benchmarks have been set based on science and research, rather than being determined by what may or may not fit into DSE works programs or budget constraints.

Clearly, departmental planning and practice on the scale of fuel reduction burning undertaken prior to Black Saturday were failing community expectations, which are evidenced by the numerous submissions to the Inquiry on this subject.

There is a remarkable body of opinion across the state that is largely at odds with the current land management policies of DSE and Parks Victoria – the level of fuel management being the most notable of those differing opinions. This body of opinion, so clearly evidenced in the Peoples Review of Bushfires and again in the ENRC Inquiry, should give cause for reflection.

If this community opinion is correct; if this collective of community wisdom on fire management carries some weight, one could reasonably ask – For whose benefit is the public land being managed?

The VLA agrees that seasonal conditions will sometimes dictate the extent of burning undertaken in any one year and also agrees with the Inquiry conclusions that the biggest constraint on burning is resources and personnel. The recommendation for a rolling target will overcome the seasonal constraints.

Given seasonal conditions will sometimes impact on the extent of prescribed burning to be achieved and the inherent dangers in prescribed burning – which must be accepted by the community, government should also consider more closely other measures to reduce fuel loads, such as managed forestry operations and seasonal controlled cattle grazing.

Red gum forests are particularly sensitive to fire; making fuel reduction burns an exercise with a high likelihood of damage to conservation values, such as the burn undertaken at Browns Camp on the Murray River on October 16th 2008. 38 habitat trees were destroyed in a small 25 hectare burn in a known superb parrot nesting site. Seasonal cattle grazing in such areas to reduce the amount of fine fuel is the only tool the land manager had for broad scale fire mitigation – a fact acknowledged by departmental officers in Freedom of Information disclosures. This tool has now been removed with the banning of cattle grazing in red gum forests.

ENRC Inquiry Recommendation 2.4

The Department of Sustainability and Environment should report its performance against the increased prescribed burning target in its annual report, which should also include the following details:

- the total area treated within each fuel management zone for each region;
 - the total number of burns conducted within each fuel management zone for each region;
- and
- the extent to which planned ecological and fuel reduction outcomes were met for prescribed burns within each fuel management zone for each region (e.g. a summary of the results of the post-burn assessments to be conducted in accordance with recommendation 2.3 above).

Government Support in Principle

The Victorian Government supports this recommendation in principle. The recommended performance reporting measures will be incorporated into current live reporting system on the publicly accessible DSE website at <http://www.dse.vic.gov.au>. These performance measures will also be reported in the Annual report.

Information currently available on the website includes up-to-the-minute detail on the number and area of planned burns for fuel reduction, ecological and regeneration purposes, location maps and status indicators that track a burn's progress from the planning stages through ignition and then to completion.

VLA response:

The VLA understanding of the government response is that the performance measures reporting will not be based on a comparison to burn targets.

The land manager's reluctance to report against pre-determined targets is understood given the critique offered by the Auditor General in 1992 and 2003 and the recent revelations that continue to show an under achievement of departmental targets.

Such reporting could be compared to Key Performance Indicator reporting which is widely implemented in government, not-for-profit and business organisations as a means of improving performance.

The VLA believes consistent reporting using KPI principles would expose the department to scrutiny that would help in improving its performance in this key fire prevention activity.

ENRC Inquiry Recommendation 2.5

That the Department of Sustainability and Environment, Department of Primary Industries, Parks Victoria & VicForests separately cost, and report, annual expenditure on fuel reduction burning, ecological burning and regeneration burning in their Annual Reports

Government Support in Principle

The Victorian Government supports this recommendation in principle. Each planned burn typically has multiple objectives including fuel reduction for asset protection and promotion of ecological health. The contribution to meeting each of these objectives is not separately costed. In addition to direct operational costs, expenditure on planned burns includes extensive planning processes, community engagement, ecological research and monitoring to achieve optimum outcomes.

VicForests undertakes regeneration burns in timber harvesting coupes, usually with operational assistance from DSE and other agencies. The direct expenditure on this activity is known and will be published.

Planned burns on park, forest, water catchment or private land etc, frequently draw personnel and equipment from other agencies. Each agency currently has formal arrangements in place to recover operational costs incurred through planned burning or suppression. As DSE is responsible for public land and fire management costings are currently consolidated, but can be disaggregated in a manner consistent with agency financial practices.

VLA response:

It is acknowledged that multiple activities are undertaken before, during and after prescribed burning operations to fulfil all of the protocols deemed necessary and associated with this activity. That is the very reason they should be separately costed.

VLA welcomes the acknowledgement that costing for public land fire management can be disaggregated from other management expenses and looks forward to the early implementation of separate reporting.

ENRC Inquiry Recommendation 2.6

That the Victorian Government establish a five year rolling fund which allows unused prescribed burning monies to be rolled over into future financial years for the purpose of subsequent prescribed burning activities.

Government Support in Principle

The Victorian Government supports this recommendation in principle. Fire management incurs a high level of fixed costs associated with ensuring that the right level of resourcing is available. The cost of planned burning includes extensive planning processes, community engagement, ecological research and monitoring which take place throughout the year. Burn personnel's training and accreditation also need to be updated and maintained regardless of whether weather conditions enable a substantial burning program to be undertaken.

In addition, the *Financial Management Act 1994*, does not allow departments to carry over funding for more than one financial year. Government will consider this recommendation as part of a review of the *Financial Management Act 1994* currently being conducted by the Department of Treasury and Finance.

VLA response:

The VLA supports an amendment to the Financial Management Act to allow the fund to operate. A commitment by the government to such a course of action would demonstrate support for the committee recommendation.

It is acknowledged that weather influences the successful culmination of a burn program, as detailed in the government response and that occasionally weather conditions will defeat the planned burns which are already budgeted to occur. This is precisely the reason for the rollover fund.

ENRC Inquiry Recommendation 2.7

That the Victorian Government provide recurring funding for a significant increase in regionally-based, permanent, or long-tenured, fire management personnel dedicated to the prescribed burning program. The increase in personnel should be consistent with the level required to achieve an annual prescribed burning target of 385,000 hectares.

The pool of available personnel should be suitably diverse and possess a wide variety of disciplines and skill sets, including practical skills. The Department of Sustainability and Environment and its partner agencies should also increase the proportion of personnel with specialist tertiary qualifications, including fire behaviour specialists, forest scientists, landscape ecologists and conservation biologists.

The Department of Environment and Sustainability and its partner agencies should also prioritise the development of programs to reduce the level of staff turnover and the problem of the ageing workforce, through more effective succession planning.

Government Support in Principle

The Victorian Government supports this recommendation in principle.

Government recognises the need for Victoria's fire management agencies to maintain adequate fit, skilled and experienced personnel across the state.

Government is identifying opportunities for:

- extending seasonal contracts and additional regional firefighters for both response and an increased program of planned burning;
- succession planning, including accelerated training and learning opportunities to fill current and projected gaps in operational experiences and bush skills;
- improved firefighter health, wellbeing, safety and fatigue management;
- the skills and capacity to undertake the requisite community engagement;
- volunteer training and support; and
- research and monitoring including specialist tertiary qualified personnel in fire behaviour, forest science, biology, ecology and fire management planning.

VLA response:

Given the government identified opportunities to assist in creating career employment for fire-fighting personnel – Can the government point to recurring funding in the 2009 Budget to enable this initiative?

Can the government identify which month these initiatives will commence as the next bushfire season is only six months away?

ENRC Inquiry Recommendation 4.1

That the Victorian Government replace or compensate for water taken from domestic, stock and irrigation dams, or water needed for essential use, in the event of a fire, regardless of where the bushfire starts.

Government Support in Principle

The Victorian Government supports this recommendation in principle. Current policy is that, during extended dry periods, a reasonable and sufficient volume of water for essential use is replaced to sustain:

- The health of affected residences and pets
- The health and productivity of their stock

In most cases water is replaced within 48 hours when requested.

The current policy was developed during the 2006/07 season in response to the severe drought affecting landholders, at a time when extensive bushfires also created a major impact. This policy was well received and in response to the extended drought, updated for the 2007/08 season including clarifying the criteria of essential use and the roles of government agencies. Government will continue to review and improve the policy in relation to ongoing applicability, equity, eligibility criteria and defined periods of operation.

Land and fire management agencies will work with local government and other agencies towards seamless integration and support for recovery from bushfires and planned burning.

VLA response:

The VLA contend that there is no need to determine eligibility criteria for replacement of water taken from private storage to fulfil the state fire agencies obligations under legislation.

Requisitioning of private resources to quell a fire emergency is not disputed – making individual landholders bear the cost burden of that fire emergency is unconscionable.

The VLA calls on the government to state in the clearest possible terms that all water removed from private storage will be replaced at the earliest possible opportunity or compensated for, if that is the choice of the landholder.

ENRC Inquiry Recommendation 5.3

That the Victorian Government consider all available means, consistent with conservation values, for substantially increasing the access of apiarists to the public land estate.

Government Support in Principle

The Victorian Government supports this recommendation in principle. The importance of public land beekeeping to the State's economy, for honey products and the pollination of agricultural and horticultural crops, is well understood. Apiculture is currently allowed on all public land tenures except wilderness, reference areas or near visitor sites. Site numbers and location in a given national or state park is generally established in park management plans consistent with conservation values and broader public use objectives.

Approximately 3,300 of the State's estimated 4,500 bee sites are on public land. The impact of feral honeybees on the environment is not well understood. Consequently apiculture on public land is managed with careful consideration of the potential impact on native flora and fauna, including threatened species, and consistency with *Flora and Fauna Guarantee Act*, Action Statements and accepted Victorian Environmental Assessment Council recommendations. Engagement with this industry is via the Apiculture on Public Land Liaison Group, which are assessing projects to identify previously used sites that are no longer available. This may lead to the reinstatement of a number of sites.

VLA response:

The VLA supports the Committee recommendation

ENRC Inquiry Recommendation 6.1

That in relation to Fire Operations Plans, the Department of Sustainability and Environment extends the number of community meetings during the public consultation period to a minimum of one meeting for each Fire District, with the possibility of repeat visits to particular areas.

Government Support in Principle

The Victorian Government supports this recommendation in principle. A community meeting will be held in each district as part of a broader community engagement program. Public meetings work well in some communities while in others they may be poorly attended. Successful engagement with the community will employ a range of tools designed to meet local needs.

Fire operations planning is a twelve month rolling process commencing in October with review and development extending to April, formal consultation from April to August and approval processes in September. Planned burning is undertaken when conditions are suitable – generally in spring and particularly in autumn including advertising and regular notification of the program. Community input is invited at any time.

VLA response:

The VLA welcomes the commitment to at least one Fire Plan meeting for each district as part of the community consultation process for fire planning. It is noted that because of the varied nature of communities, differences in terrain and fire risks, as well as resources available at a local level, some communities will need more than one meeting to work through the issues of risk minimisation.

ENRC Inquiry Recommendation 6.5

That a process of year round community engagement in the preparation of Fire Operations Plans be established. In addition a record of year round community engagement, as contained in the Gippsland Fire Operations Plan, should be a requirement of all Fire Operations Plans.

Government Support in Principle

The Victorian Government supports this recommendation in principle. See response to recommendation 6.1.

VLA response:

The VLA welcomes the adoption of year round fire planning and community consultation for all Fire Operations Plans.

ENRC Inquiry Recommendation 6.6

That the Integrated Fire Management Planning framework establish zones in the interface between public and private land in which bushfire risk management is the shared responsibility of the Victorian Government and private landholders.

Government Support in Principle

The Victorian Government supports this recommendation in principle. A core principle of the Integrated Fire Management Planning (IFMP) framework is shared responsibility for managing fire risk between private land and public land managers. Victoria is one of the most fire prone parts of the world. In this environment, adequate levels of bushfire risk reduction can only be achieved through shared responsibility between the Government and the public - risk mitigation is not the responsibility of Government or private landowners alone.

Given the widespread nature of bushfire risk, and the need for all Victorians to play their part in its reduction, shared responsibility is imperative. The focus is on:

- fire management planning carried out with a common understanding of risk and clarifying agencies' and individuals' roles in mitigating these risks; and
- community education and engagement about living with fire.
- land use planning to enable the concept of shared responsibility to be factored into new developments.

VLA response:

Increased active participation and responsibility by communities in bushfire risk minimisation is essential in the interface zones. This issue can be a central feature of the local Fire Plan meetings in each district. The VLA recommends the establishment of interface zones to encourage community participation in fire prevention.

ENRC Inquiry Recommendation 6.7

That the Victorian Government establish a clear and consistent Bushfire Fencing Policy for damage caused by all future bushfires and prescribed burns. The Bushfire Fencing Policy should include the following provisions:

- the Government contribute half the cost of replacing or repairing for fencing on the boundary between public and private land that is destroyed or damaged by a fire which has emerged from public land, but only where the cost of replacement or repair was not otherwise recoverable;
- the Government pay a contribution, of up to 100 per cent, of the cost of restoring fences or other assets destroyed or damaged by backburning conducted during fire suppression operations;
- the Government will pay the full cost of fences or other assets destroyed or damaged if prescribed burns on public land escape onto private land;
- the Government will pay the full cost of rehabilitation of fire control lines on private property established by the Country Fire Authority or the Department of Sustainability and Environment during wildfire suppression activity for fire originating on public land ; and
- the Government will pay the full cost of repairing or replacing fences on private land that are damaged or destroyed by machinery used in controlling bushfires that originate on public land.

Government Support in Principle

The Victorian Government supports this recommendation in principle. Current policy aims to assist landholders with their recovery after fire, while ensuring that disincentives are not created to under insure assets against bushfire or other damage. A number of assistance measures, including repair or replacement or reimbursement of costs, are currently available on request for landholders impacted by fire.

□ *by bushfire that emerges from public land*: the cost of this damage is recoverable with government reimbursing reasonable insurance excess up to a maximum of \$400 for boundary fences destroyed or damaged by bushfire emerging from public land or contributing \$400 towards cost of repair /replacement. This approach is consistent with the recommendations of the Victorian Bushfire Inquiry (2003). In limited cases, when insurance is not available to a landholder for fencing, (i.e. on a flood plain) government considers the individual circumstances on a case-by case basis.

□ *backburning conducted during fire suppression operations*: is considered to be damage by the bushfire and therefore insurable and recoverable under S93 of *Country Fire Authority Act (1958)*. No further reimbursement is made.

□ *planned burns on public land that escape onto private land*: landholders are reimbursed for the full cost of fencing and other assets destroyed or damaged by planned burns that escape.

□ *rehabilitation of fire control lines*: where fire originates from public land and control lines are constructed on private land, DSE rehabilitates or reimburses the land-holder the full cost. The CFA has a duty under section 20 of the *Country Fire Authority Act 1958* to take all necessary steps for the prevention and suppression of fires and for the protection of life and property in the case of fire in the country area of Victoria. The country area of Victoria means any part of Victoria outside the metropolitan fire district including more than 980,000 homes, and covers all of rural

Victoria including provincial cities and towns, except for State Forests, National Parks or protected public land. Control lines in areas of CFA responsibility are considered to be damage by fire under S93 of *Country Fire Authority Act (1958)* and coverable by the land-holder's insurance, though where practicable work is done to rehabilitate control lines while equipment is still available at a fire.

□ *fences damaged or destroyed by machinery*: where fire originates from public land and damage to fencing is caused by machinery during suppression activities, these fences are replaced or repaired by DSE, or the full cost of repair or replacement is reimbursed to the land-holder. Fires entirely on private land are the responsibility of CFA and damage to fencing by CFA is considered to be damage by fire under S93 of *Country Fire Authority Act (1958)* and covered by the landholders insurance.

Government will work with landholders, the community and the insurance and agricultural industries to develop a consistent and equitable ongoing policy. Government policy will continue to emphasise shared responsibility and encourage landholders to assess and manage their risks with regard to fire taking up adequate insurance where available.

VLA response:

The VLA disagrees with the premise of the government response that private landholders must bear some of the cost burden associated with bushfire emanating from public land. Bushfire control on public land is the responsibility of the state that requires the support of the community, but not to the extent of individual adjoining landholders bearing part of the cost on the states behalf.

ENRC Inquiry Recommendation 6.8

That the Victorian Government and responsible agencies expedite the implementation of the Integrated Fire Management Planning framework.

That the Integrated Fire Management Planning framework integrate, as far as possible, fire management planning at the municipal level with both Fire Protection Plans (or their future equivalents) and Fire Operations Plans.

Government Support in Principle

The Victorian Government supports this recommendation in principle.

Integrated Fire Management Planning (IFMP) is a framework developed in response to the Victorian Bushfire Inquiry (2003) to facilitate multi agency and community involvement to improve the consistency of bushfire management planning across land tenures. At the highest level this involves agencies and communities coming together to better understand risks, and then agreeing on priorities, responsibilities and actions under a framework of shared responsibility.

IFMP is led by the Country Fire Authority (CFA) which has established a governance structure, regional committees and public communications material to initiate the project.

VLA response:

The VLA supports the concept of the Integrated Fire Management Planning framework and its speedy implementation whilst noting this framework needs to fully embrace the input from an independent state-wide fire forum.