



Committee Secretariat

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10<sup>th</sup> January 2020

**Reference: Inquiry into the efficacy of past and current vegetation and land management policy, practice and legislation and the effect on the intensity and frequency of bushfires and subsequent risk to property, life and environment.**

**1. Background**

1.(i) In NSW the public land management practices changed significantly in 1995 with the election of the Carr Labor Government.

Before 1995, the public had ready access to National Parks, Forestry areas, and most public land. Access trails were available and clear due to regular usage. Fires did occur but were usually dealt with quickly and efficiently by on ground staff. The monster fires experienced today did not occur. Firefighting aircraft were neither available nor needed.

1.(ii) The Carr Government acted quickly to implement the Wilderness Act, greatly expanded the National Park estate, introduced the Native Vegetation Act, and amended the National Parks Act.

**2. Wilderness Act.**

2(i) The Wilderness Act eventually applied to 55% of a greatly expanded National Parks estate. Wilderness denied access by motorised vehicles, horseriders, cyclists, hunters (except indigenous hunters), fishermen, all except walkers. Large robust iron gates were installed across access trails, heavy fines were applied to offenders.

Access trails, fire management trails, management trails, were quickly overgrown and became impassable. All Wilderness management trails with the exception of the trail in western Wollemi leading to the Wollemi Pines are (at the time of writing) impassable. (Following the current horror fire season it is likely that old trails will be again available.)

2(ii) Wilderness is a policy of neglect. Like all things, the price for neglect ultimately has to be paid.

**3. Native Vegetation Act.**

3.(i) This act placed heavy fines on landowners for clearing their own land. The writer has no specific knowledge of the effects of this act, other than to say it has been needed to be amended, but is an impediment to hazard reduction operations.

#### **4. National Parks Act.**

4.(i) In 2001 legislation was hurried through the NSW Parliament in an all-night sitting. The drafts of the bill were only distributed to the non government members earlier in the same day. The new bill was enormous. A clear manipulation of democratic process. As a result of this tactic the NSW Legislative Council, passed a motion insisting bills be presented to all members at least two weeks prior to the end of a parliamentary session.

4(ii) The National Parks Act (as amended) made the overriding principle for National parks "Bio Diversity". Previously the Parks were considered recreational assets of the people. "Parks for the People !"

The change in principle was manifest in features such as describing twigs, leaves, bark, dead grass, all highly combustible in dry summers, as "habitat" and forbade its removal.

Hence this highly combustible fuel lies on the forest floor, in highly inaccessible places, waiting for ignition.

4(iii) Conservationists having free reign over public lands have resulted in a tragedy never before seen. A complete contradiction to what they claim to represent.

4(iv) To enforce this regime of new rules, National Parks Rangers were given similar authority to the police.

#### **5. Current Fires in Wilderness**

5.(i) Currently there are 130 fires burning in NSW. The media have termed the large fires "Mega Fires". The Mega Fires are in Wilderness areas or abutting Wilderness areas they include, but are not limited to:

Gospers Mountain	Wollemi Wilderness
Green Wattle Creek	Kanangra Boyd Wilderness
Clyde River Currowan	Ettrama and Ettrama Extension Wilderness
Clyde Mountain	Deua Wilderness
Border Fire	Nadgee Wilderness
Mt. Wilson	Blue Mountains National Parks bordering Wollemi Wilderness.

Wilderness areas, due to their size and inaccessibility have simply become nurseries for mega fires.

#### **6. Wildlife**

6.(i) Attention is usually given to the habited areas affected by fires. This is often the media focus and I do not wish to comment further on this, except to say that although the terms of reference of this inquiry do not include wildlife, their wellbeing must be considered.

6(ii) Australian wildlife has evolved with fire being a part of the environment. However not the massive mega fires created in the post 1995 era. Horror reports of 500,000,000 dead wild animals

cannot be overlooked. NSW National Parks Service during 2019 were preparing to slaughter all Brumbies in the Alpine Parks until Deputy Premiere Barilaro promptly intervened. During the Carr years, Brumbies were shot from helicopters in the Guy Fawkes National Parks. This program of slaughter was authorised because they were not natives species, so called damage to the environment was not detectable. I mention this to reflect the mindset of the extreme green management of NSW Parks Service.

6(iii) Further unforeseen consequence of the remote area Wilderness Fires is the ongoing pollution where fire retarding chemicals have been poured on fires, these chemicals will remain in the echo system and waterways doing further environmental damage. The fire retardants are necessary, however as the mega fires generally build up their ferocity in Wilderness areas, and as Wilderness areas are the result of conservationist political activity, it calls again into question the wisdom of their cause.

## **7. Legislative suggestions.**

7.(i) Repeal of the **NSW Wilderness Act**. Reinstatement of trails to their pre 1995 status.

Alternatively substantial amendments to allow the public vehicular access to their Parks, and thereby creating trails which grant access to remote areas for fire management purposes.

7(ii) Amendments to the **NSW National Parks Act**, particularly enabling the removal of fuel from the forest floor. Access be given to the public for responsible recreational enjoyment of nature. The inclusion of the public for maintaining access cannot be overstated.

7(iii) National Parks to be more accountable to the public not simply through a minister.

7(iv) The changes should also reflect the need to place fire management before bio diversity. (otherwise there may be no bio diversity)

7(v) The **Local Government Act** be amended to enable approval of "Hazard Reduction" applications within 72 hours. This will throw a responsibility on local government, necessitating a change in attitude and priorities, which will have to be complied with or responsibility, even penalties will fall on that council.

## **8. Funding for minor legislative changes**

8(i) Consideration for the above changes are always costed. I suggest that the increase in Park visitation by the public will result in adequate fees to cover the costs involved with the legislative changes. Local Government should, over a reasonably short period, save money not spent on fire damage. This will offset the cost of permits, although I am sure they will charge adequately anyone requesting permission.

8(ii) When the fires are extinguished, and as life hopefully returns to normal, there will be a reduced need for hazard reduction, as so much will have been burnt. Any legislative recommendations should be made in terms of "as circumstances demand", rather than fixed targets.

## **9. Major legislative change**

9(i) The firefighting units of all the National Parks Services in all states, as well as Rural Fire Services come directly under the control of a Commissioner of Fire Services. Far ranging powers be given to the Commissioner with expanded resources. Planning and execution powers irrespective of land tenure

become the responsibility of the Commissioner taking advice from Park Management, RFS and the public. Whether this be a federal or a state issue is probably restricted by the constitution.

Unfortunately officers of the RFS and National Parks Service, are public servants and will not criticize their political masters, they never have. Their opinions are of course valuable, however due to their servility not entirely reliable. Notwithstanding the noble efforts during this fire emergency.

Consideration should, but will not be given to Aboriginal fire control methods which have been effective for thousands of years, as they do not fit in with political ways of thinking, land tenure and conservationists political influence

#### **10. Climate Change**

10(i) Assuming climate change will deliver more of the extreme temperatures we have endured over the past 3 months, all of the above comments and recommendations will be more important than ever. It will be imperative to achieve better fire management results. Clearly the current thinking about managing fire especially in Public Lands needs to radically change.

10(ii) We are told that hazard reduction should be done in spring and autumn. In the current emergency, hazard reduction is being carried out in extremely hot summer conditions. This can surely be revised.

#### **11. Political Will**

11(i) To properly confront the problems of bushfires on public lands requires political will to carry through policies as listed above. With media constantly demonstrating a "green bias", an opposition dependent upon green votes, and social media ready to pounce on the slightest excuse to abuse and defame conservative values. Therefore tasks of major reform are difficult.

11(ii) However the alternative, if climate change does make mega fires a regular reality, is to awful to contemplate.

11(iii) The NSW Government boasts of the National Parks achievements in hazard reduction recent years. Sadly with the amount of land NSW Parks cover, this has proved to be sadly inadequate following a noticeable lack of this activity during the period the State has been burdened with Wilderness being so inaccessible.

11(iv) I am sure the above comments will draw criticism from conservation groups and interests, but the reality is the horror of what is happening now at the time of writing. Which cannot be denied. Changes are very much overdue and a pragmatic common sense approach is required, not an environmental utopian wishlist.

  
Malcolm Jones