

# The Hon. Gary Nairn

Bachelor of Surveying (UNSW)  
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The Secretary  
Senate Select Committee on Agricultural and Related Industries  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

4<sup>th</sup> August 2009

Dear Ms. Radcliffe

**Re: Inquiry into the incidence and severity of bushfires across Australia**

Thank you for your letter of 26 May 2009 regarding the above Inquiry. While your letter nominated 31 July 2009 as the closing date for submissions I trust that this letter will still be accepted as a submission to your Committee's Inquiry.

The Senate will be aware that in 2003 I chaired the House of Representatives Select Committee on the Recent Australian Bushfires that produced the report *A Nation Charred: Inquiry into the Recent Australian Bushfires*.

I note that the terms of reference for your Committee's Inquiry is not dissimilar to those of the Inquiry I chaired therefore I would submit that my Committee's report should form the basis of your Committee's investigations. In fact, I would submit that your Committee could work through each of the fifty-nine recommendations in *A Nation Charred* and investigate the extent to which each of those recommendations have been addressed and/or acted upon.

I very humbly make such a recommendation as the 2003 Inquiry was extremely comprehensive in its investigations, over 500 submissions and 55 exhibits were received, 16 public hearings in four States and the ACT were conducted, the recommendations were far reaching and were supported by all Members of the Select Committee except for one Member, Michael Organ MP. However, a reading of his "Dissent" clearly indicates he supported the vast majority of the report and recommendations with his "dissent" being limited to issues around the refusal of some government agencies to give evidence and some aspects of fuel reduction burning and its effect on biodiversity.

Besides the report and recommendations I would also strongly advise your Committee to study the transcripts of the public hearings as they provide an excellent insight into the feelings, knowledge and understanding of many people who have lived in bushfire affected areas for very long periods of time and have, in my view, a unique understanding of their local landscape and of the interaction between their community and the various government authorities.

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Consultant in Business Development, Spatial Information, Negotiations, Mediations and  
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I would also recommend your Committee study two of the Appendices to *A Nation Charred*, namely the *Report on: Causal and Risk Factors, Fuel management, including Grazing, & the Application of the Australian Incident Management System (AIMS)* by Nic Gellie and the *Report on Communication Issues* by Brian Parry & Associates. Both these reports are substantially just as relevant today as they were in 2003.

While your Chairman, Senator the Hon. Bill Heffernan, made it clear in his media release that your Inquiry "is not about the recent Victorian bushfires" clearly they have prompted the Senate to look at aspects related to bushfires including "the failure and decline in the capacity to fight bushfires" as stated in Senator Heffernan's media release.

Personally I have no doubt that if all fifty-nine recommendations contained in *A Nation Charred* had been implemented over the past five to six years the extent of the devastation seen in Victoria earlier this year would not have been as great. I recall vividly citizens in Victoria thanking my Committee for listening to their experiences and advice but then adding that they didn't want to be relating similar experience and giving the same advice in five years time. Tragically it would that is what they would have been doing in recent months.

With respect to the Victorian bushfires and specifically the Royal Commission established by the Victorian Government, I wrote to the Royal Commissioner shortly after he was appointed providing similar advice to this submission. A copy of my letter to him is attached for your information. Regrettably I never received even an acknowledgement of my letter.

This coincidentally reminds me of the response my Committee experienced in relation to its attempt to receive submissions and take evidence from government authorities in NSW, Victoria and the ACT. All relevant government authorities in those States and the ACT declined the opportunity to provide a submission and to give evidence citing a lack of available personnel. Intriguingly a number of NSW, Victorian and ACT emergency services, parks and other departmental personnel attended a number of the public hearings as observers and were witnessed taking notes.

While evidence from these authorities would have made for completeness of the 2003 Inquiry I am also firmly of the view that the report and recommendations are not deficient as a result. The actions, policies and record of the relevant agencies were all on the public record and therefore accessible to my Committee. In many respects the lack of the involvement by those agencies in the Inquiry seemed to ensure that the Inquiry maximised the input from the broader community and a more comprehensive and honest assessment resulted.

Finally may I also encourage your Committee to study the work of the Bushfire CRC and in particular the research work that commenced after the report *A Nation Charred* was released and responded to by the Australian Government, namely the research in alpine areas of the effect of grazing on bushfire mitigation. I was provided with updates while I was still in the Parliament and was strongly of the view that that particular research should be continued over further seasonal changes.

I would be available to appear before your Committee if required.

Yours Sincerely



GARY NAIRN

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Justice Bernard Teague AO  
Royal Commissioner  
Victorian Bushfires Royal Commission  
C/- Victorian Attorney-General  
Parliament House  
Melbourne VIC 3000

8<sup>th</sup> March 2009

Dear Justice Teague

Your appointment to head the Victorian Bushfires Royal Commission has prompted me to contact you at the earliest opportunity in the hope that it may assist you with the establishment of your Commission.

As way of explanation, I chaired the *House of Representatives Select Committee on the Recent Australian Bushfires* established following the devastating bushfires that occurred in the ACT, NSW and Victoria, as well as less severe fires in Tasmania and Western Australia, over the summer of 2002/2003. My Inquiry received 507 submissions, 55 exhibits and conducted 16 public hearings in the four States (including 5 hearings in Victoria) and the ACT. My committee also commissioned two reports from expert consultants:

*"Report on causal and risk factors, fuel management, including grazing, and the application of the Australian Incident Management System"* by Nic Gellie; and

*"Report on Communication Issues"* by Brian Parry & Associates Pty Ltd

A report, *"A Nation Charred: Inquiry into the Recent Australian Bushfires"* was completed in October 2003 and it contained 59 recommendations. All 59 recommendations were supported by all committee members except for one member, Michael Organ from the Greens Party.

While your terms of reference relate to the bushfires Victoria has experienced in recent weeks and to future operations, regulations and the like, they are very similar to the terms of reference my committee addressed. As the saying goes "the more things change the more they stay the same".

The very detailed information passionately expressed by the many people who gave evidence or made submissions to my Inquiry remains vividly in my mind. For some, relating their experience to my committee was not only difficult but quite emotional for them. A number of times, as people called for changes to be made with respect to land management, fire prevention and fire fighting, they pleaded that they not "have to come back and give the same evidence in 5 years time". Tragically it would appear that is exactly what many will be doing at your Commission.

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**Consultant in Business Development, Negotiations, Mediations and Property Matters**

I strongly believe that your Commission would be greatly assisted in the first instance if you and your fellow Commissioners were to study the transcripts, the submissions, the exhibits, the two commissioned reports and the final report and its recommendations prior to the taking of evidence. It is my view that the experiences and information given to the Inquiry I chaired contained many lessons to be learnt with respect to both the prevention and the fighting of wild fires. As a starting point it would not be unreasonable if your Commission asked whether those lessons of 2002/2003 were actually learnt and if not, why not.

The full report, submissions, exhibits and transcripts can be found at:  
<http://www.aph.gov.au/house/committee/bushfires/index.htm> or from the Parliamentary Library, Parliament House Canberra.

I wish you well with the Royal Commission and please do not hesitate to contact me if I can be of assistance.

Yours Sincerely

Gary Nairn