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## Victorian Bushfires

2003

Submission by Craig Ingram MP

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## Introduction

There is ample scientific evidence that fire has had an essential role in the evolution of Australia's landscape for many hundreds of years. Fires have been started deliberately and accidentally by man and naturally by nature but the wildfires that swept through large areas of my electorate during the summer of 2003 were of unnatural ferocity.

The destruction caused to private property was significant, but was also minimal compared to the potential of the disaster. There were numerous reports of unusual characteristics in the behavior of the fires. These seemed to be attributable to excessive fuel on the forest floor, a factor that had worried bushmen for decades.

We were fortunate that the weather conditions were relatively mild through most of the period except for the three days of the extreme damage. If they had been driven by hot northerly winds such as have been experienced in past fires, the devastation would have been much more widespread.

Almost everyone outside the larger towns was under the threat of their homes and properties coming under attack by an enemy that showed no mercy. The fact that community meetings were held in every centre as far as Mallacoota was evidence that the authorities were not confident that the fires could be stopped until they reached the sea if the worst conditions eventuated. For some, the arrival of the fire was almost a relief from the weeks of worry. They could then start to rebuild their lives once they knew what confronted them. No community should be subjected to such stress.

It was frequently stated that fire fighting was confined to protecting assets, not trying to stop the fires. That meant saving homes where possible, but not much else. The loss of a home is one of the greatest blows any family can suffer but it is far greater when the sole means of earning a living are simultaneously destroyed. In small communities, losses of this nature affect everyone as it can mean the end of small businesses serving those communities.

Loss of life was confined to one individual, but there were many cases where life was at significant risk.

In the aftermath of the fires many issues have emerged that need to be addressed - some issues have been simmering for decades.

In this region, large sections of the community are extremely angry at the government agencies responsible for public land management, as they have failed in their duty of care.

I will attempt to outline what I believe are the issues that need addressing from this inquiry.

The issues, as I see it, can be broken down into the following:

- 1. Public land management;**
- 2. Fire response and incident management;**
- 3. Post fire response and community recovery.**

Fire is a natural part of the Australian environment. Many types of vegetation in Australia and most of our forest types require fire on a regular time frame from seven to 50 years depending on the species mix to maintain the species diversity and the ecological balance.

Since European settlement, we have changed the fire regimes and attempted to remove fire from the landscape (fire suppression). It is obvious that the indigenous people used fire as a tool through most of the landscape for both safety and hunting purposes. The extent of this burning is not as clear, although the recent publication by Tim Flannery "*Beautiful Lies*" outlines the issue in reasonable detail in particular the impact of the removal of the indigenous burning practices on ground inhabiting species like the Gnar-ruck which disappeared with-in the first 10 years of European settlement.

Flannery's publication also outlines the laws that were passed by the first European settlers which outlawed the use of the fire stick by Aboriginals.

What *is* clear is that current fire and public land management is having a significant impact on the species diversity, fire intensity and is posing a significant increased risk to human life and property.

There are vegetation and forest types in Gippsland that have developed without fire. Fire in these areas is the biggest threat to their biodiversity and survival, ie; cool temperate rainforest and riparian verges. Lack of fuel reduction burning in areas adjacent to these areas has increased the intensity of the wildfires when they occur placing those areas at significant increased risk of fire destroying the forest and being replaced with a dryer forest type.

## **1. Public Land Management**

In Gippsland, the management of fire on public land is outlined in the Gippsland Fire Management plan. This plan has assessed the region and assessed the forest types and fire risk and prevention strategies. The plan has assessed the area in zones from 1 to 5 with the following extract from that document showing the targets for those zones.

## Summary of annually proposed fuel management program in Gippsland

Burning Zone	Total area in Ha	% of region in Zone	Likely Burning cycle (years)	% of region treated annually	Average annual target (Ha)
1	89 344	3.47	5	0.69	17 879
2	408 437	15.85	10	1.58	40 783
3	115 830	43.30	20	2.58	55 713
4	468 593	18.19	As required	0.2	5 152
5	494 630	19.19	never	--	
Total	2 576 835	100.00	--	4.63	119 527

*Source: DNRE Gippsland Fire Protection Plan, June 1999*

The following data represents the average of the past 10 years in actual achievements of fire prevention works for the same region. This was presented to a forum at Bairnsdale by the Department of Natural Resources and Environment (now the DSE). At the forum, the department presented this information along with data on the ecological use of fire with both flora and fauna experts from the Department and Parks Victoria. All speakers were absolute in their belief that the above targets need to be met to adequately protect both human life and property and the ecological values and species diversity within our public land areas. The flora and fauna representatives believed that the targets set for Zone 4 were well below what was required for ecological burns and as we gain further knowledge it is believed that these areas will require more regular burning.

## The Gippsland Fuel reduction burning achievements 1992 to 2002

	Average last 10 years
Zone 1	6,576
Zone 2	23,712
Zone 3	22,223
Zone 4	1,589
Total	54,244

*Source: DNRE Gippsland Region Fire Management Profile, October 2002*

These charts show quite clearly that the government departments responsible for the management of fire prevention have failed to meet the goals that they have established to protect human life and assets and manage the forests for ecological purposes. The data shows that the department has not been able to meet any of its targets in any year over the past decade and is 50% below the expected target. The worst areas of performance are the Zone 1 areas adjacent to private land.

This prolonged failure is due to the over restrictive nature of the guidelines for allowing fuel reduction burns; the lack of resources to allow the department to fulfil its obligations; and the loss of the traditional foresters' knowledge of fire and fire behaviour.

Another problem is the lack of protection or support from government and media to the Departmental staff if a burn does not stay within the expected boundaries of the fire plan. There is too much emphasis on finding a scapegoat and not enough understanding of the unpredictability of nature.

There is a lack of coordination between landholders, CFA and the department on the fuel reduction burns.

## **2. Fire response and Incident Management**

A number of issues have emerged in relation to the incident management. On the whole I believe the management was well coordinated and cooperation between agencies was good, with some exceptions.

Firstly, the fire that formed part of the Bogong complex (Razorback) started in the fire management area under the responsibility of the north-east region. This fire was not a significant threat to private land in the north-east and was placed as a low priority to the DNRE incident controllers in that region. This fire burned for three days unchecked until the responsibility was passed to the Gippsland incident management.

One could reasonably argue that there was a chance to control this fire in its early stages, as was the opportunity with all the rest of the fires that accrued on the Gippsland side of the range during this period.

The pay structure of the DSE fire crews are such that there is a disincentive for the department to actually put out fires (an ideal opportunity for overtime, penalty rates and extra shifts).

I have had incidents relayed to me by constituents about crews parked on the roadside between an active fire front and the change-over areas until their shift went into overtime so they would be on a higher pay rate when they came back on duty on the next shift. This behaviour by crews working along side CFA volunteers desperate to receive back-up has created some considerable divisions between the two organisations. These issues are hopefully isolated and not the norm.

In addition, I have received complaints from machinery operators cutting fire control lines in the early stages of the Bogong complex where DSE crews with slip-on tanks on 4WDs were asked why they were not attempting to control small spot fires on the wrong side of the control lines and responded with "because they were not told to do

so". These fires are the fires that eventually destroyed farm land and houses in and around Omeo.

My office has had complaints from a number of farmers that farmland was destroyed in backburning operations. One individual, in the Tubbut area, had his entire property burnt out in a controlled backburn, whilst his stock was still on the property. He was in the area preparing his property, but was not informed of the department's intentions.

### **The fire operations management in the area around Black Mountain and Wulgulmerang raises a number of issues.**

Firstly, the fire came in from the north-west and the incident control of that fire was area based at Swifts Creek, but the area around Gelantipy and Black Mountain was controlled from Orbost, with staging stations at Buchan and Gelantipy. The fire was one of the most intense of the entire fire event. The fact that there was a grey area between the two incident control regions and lack of some vital information transfer in my view increased the losses in the area.

The view of fire managers in the eastern region was that the fire originated from the area to the north of Benambra which is over 30km away. On the Monday, two days before the Black Mountain fire, I visited the Omeo district to inspect the fire damage and spoke to the fire crews. It was there that I was informed that dozer crews with support from DSE officers were attempting to locate two large spot fires in the area of Native Cat and Forlorn Hope, less than 10km from the Black Mountain and Wulgulmerang communities.

On the day of the fire in this area, fire crews were called back to Gelantipy for a briefing to prepare as the fires were expected to come through later that day.

The fires arrived hours before they were expected, catching the fire crews and incident controllers by surprise. The fire either travelled the 30 km in record time or, as I suspect, they were the result of the flare up of the spot fires in the next valley.

While crews were at the briefing, the fire swept through the area and crews were unable to return to their positions to assist the landholders in defending their properties. It appears that the suspected spot fires were never confirmed as the area is extremely isolated and the terrain is very rugged. The smoke was too thick to send up aircraft to confirm the spot fires.

If the information of suspected spot fires in the area was passed on to the communities north of Gelantipy and the incident controllers in this area, they would have definitely been better prepared and would most certainly had CFA back up to save some of the houses lost in this area.

There is significant community unrest at the lack of backburning that was carried out from control lines, although I understand that this was attempted in some cases but due to the extreme fuel loads and extremely dry fuel, it was causing more problems and just advancing the fire more rapidly.

At the community meetings held during the fires, the electricity supply company urged landowners to help them protect power lines by clearing vegetation around the base of wooden poles. A considerable number of power poles were destroyed and the company and its staff are to be commended on their speed in restoring vital power supplies. However, there is no doubt that hundreds of kilometres of roadside fencing were destroyed because of excessive vegetation on the roadside.

It was very noticeable that roadsides burned more fiercely than adjoining grazing land. Given that roads are vital in the fighting of fires and may well be escape routes in extremely bad conditions, management of country roads needs to be reviewed. In recent years, they have been treated more as an extension of the State's forested land than as an essential adjunct to servicing property owners.

Roadsides were once used extensively as firebreaks and a return to this practice may save many kilometres of fencing.

There are significant legislative and regulative restrictions that have been imposed on landholders and public land managers including road sides that restrict the reduction of native vegetation through clearing, fire or grazing. This is a significant conflict between the fire safety and the environmental outcomes. For example, the area around Briagolong, when preparing for the expected fire, could not enact its local fire plan because the fire break to the north of the town has been allowed to overgrow and could not be used as a protective buffer between private and public land due to restrictions from native vegetation retention legislation. The Department had instructed landholders to allow the fire break to be cut through their private land, cutting fences and bi-secting properties. Many of the existing roads in the interface between private and public land were constructed as fire protection lines.

### **3. Post Fire Response and Community Recovery**

The most disappointing and frustrating part of the fire is the lack of coordination and understanding about the urgency of the post fire response. Some issues were dealt with promptly and efficiently such as the animal health officers burying stock and the organisation of emergency stock feed, although this was delayed due to road closures and continued fire risks in some areas.

The viability of quality, profitable businesses has been placed in jeopardy because of the issue of replacing fences and the cost imposition on land holders can never be covered adequately by insurance.

Country people generally are reluctant to complain or use the legal system. In this instance I believe the farmers and communities believe they have little alternative but to pursue this matter further.

The government's failure to adequately deal with the urgent needs of landholders in the fire affected regions will potentially expose the State to a financial claim for damages. This would have most certainly been avoided if the government had dealt with issues like the provision of a greater share of cost of replacing public land boundary fencing.

Over 3000 km of fencing was destroyed, with the cost of replacement being in the order of \$7 per metre. This is an enormous impost on these landholders.

Ongoing fodder for stock is a high cost and one that farmers have not budgeted for. They are also facing issues of stock loss and the forced sale of their existing stock will severely impact their future income.

Insurance payments will also cause problems for many with the Australian Tax Office. These payments will be potentially taxed as income because farmers are unable to replace lost assets in same financial year.

## **Conclusion**

We have an opportunity to start from scratch in the alpine areas after this fire season. The extremely large areas burnt in the fire perimeter would allow the DSE to change its fire suppression response in that area and allow the natural lightning strikes to burn and re establish the natural mosaic fire areas that accrued pre-European settlement. Combined with active fire prevention surrounding private land holdings, the current conditions would mean that there is no significant threat from wild fire within the burnt area for the next five years, but this would require a significant policy and institutional change in mind set.

It is my view that the government agencies responsible for the management of our public land have breached their duty of care in ensuring that their land is maintained in a manner that reduces the risk to its neighbour. This was raised as a major issue after the 1939 fires Royal Commission.

### **Recommendation from Report of the Royal Commission into the 39 fires:**

*Compensation for damage by spread of fire - Where the spread of fire from any land, by whomsoever occupied, by whomsoever owned is caused to adjoining or adjacent land or any property thereon, whether real or personal, by reason of the fact that such first mentioned land was in a dangerous condition, the occupier or owner (as the case may be) provided that where such last mentioned land was in a dangerous condition, no such liability to compensate should arise.*

The public land managers in Gippsland have, through lack of fuel reduction burning and fire prevention work, allowed our forests to become a tinder box.

There is always plenty of money available to suppress fires, but cut backs in resources severely restrict the fire prevention activities the government needs to achieve balance in this area.

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