

# Introduction

## Overview

- 1.1 The severity of the 2002-03 fires shocked the Australian community. While the loss of life was small in comparison with previous severe fire seasons such as 1938-39, 1967 and 1982-83, the loss of property and livelihood as well as the damage to the environment was immense. As with previous extreme fire seasons, climatic patterns of low rainfall and high temperatures were significant contributors to the severity of the 2002-03 fire season. Climatic patterns leading up to the 2002-03 fire season are discussed in greater detail at appendix A. However, the Committee notes that weather conditions in the week following the dry lightning strikes that ignited many of the January 2003 fires in New South Wales, Victoria and the Australian Capital Territory were often conducive to the conduct of effective fire fighting operations.
- 1.2 The Committee received a massive response to its call for submissions from individuals and organisations some with great practical knowledge and others with experience in research into fire behaviour. Over 500 submissions were received. The overwhelming body of this evidence focused on factors within human control, such as the implementation of land management and fire suppression policies and practices that would mitigate the severity of damage by bushfire. Whilst significant evidence was also received covering natural factors, such as climate and prevailing weather, the report reflects the focus arising from the majority of evidence submitted to the Committee.

- 1.3 The evidence has lead the Committee to draw the following broad observations:
- The fire suppression effort was hampered by lack of prior fuel reduction burning, closure and lack of maintenance of tracks, historical loss of resources from land management agencies (particularly the forest industry), and a reliance on suppression rather than prevention.
  - More fuel management is possible – a coordinated and planned scientifically based regional approach across all tenures could be achieved.
  - In some cases there was a lack of effective early rapid response, and opportunities to contain some of the fires were available but not taken.
  - Ground attack and aerial units were, in some cases, held back and not properly utilised – for a variety of reasons, including liability and occupational health and safety issues.
  - Local knowledge and experience was ignored or not sought. Volunteers are feeling marginalised (and in some cases taking direct action).
  - Some landholders and residents felt abandoned and the concept of asset protection is not sufficiently relevant to locals. The emphasis on asset protection probably contributed to the spread of fires.
  - Incident control systems did not effectively utilise local knowledge or respond to local conditions.
  - Taxation on insurance, legal provisions related to liability, and lack of standardisation all contributed to insufficient property protection.
  - There are calls for a national response to bushfires and an extension of the Commonwealth’s role beyond simply providing funding. The National Aerial Fire Fighting Strategy is a matter of concern particularly if it fails to utilise an appropriate diversity of aircraft types and a national system of deployment for rapid attack.
- 1.4 The Committee is aware that several other inquiries and coronial inquests have looked and are looking at various parts of the overall picture and at the specific fire fighting situation in New South Wales, Victoria and the Australian Capital Territory. The Committee is not going to second guess these inquiries. They have access to records

and people that the Committee cannot reach. The Committee is looking at these matters in a broader national context. The Committee notes that much of the evidence it has received from senior experienced volunteer fire fighters who were directly involved in the fires and from landholders who were severely affected by those fires is highly relevant to those inquiries. The Committee notes that many of the conclusions of both the McLeod and Esplin inquiries (commissioned by the Government of the Australian Capital Territory and the Government of Victoria respectively) are consistent with the bulk of the evidence received by the Committee. However, the Committee also notes the New South Wales coronial inquiry concluded differently. The Committee urges the state and territory governments that established those other inquiries to also consider the evidence this Committee has received and the recommendations contained in this report.

- 1.5 Agencies responsible for land management and fire suppression in the Australian Capital Territory, New South Wales and Victoria did not provide evidence to the Committee. The lack of involvement of these agencies in the Committee's inquiry has meant that some significant questions cannot be answered; such as why fire suppression responses were not as rapid as local communities expected and why land management practices that mitigate fire damage (particularly management of fuel loads and maintenance of fire trails) were not implemented to more effective standards. However, there was a very large body of evidence received from former employees of state forestry agencies, volunteer fire fighters, local landholders, local governments, community and industry organisations and some statutory authorities from New South Wales and Victoria as well as the cooperation and participation of public land managers and fires services in Tasmania and Western Australia. The Committee received more written submissions and verbal evidence than the government inquiries in Victoria and the Australian Capital Territory and the New South Wales coronial inquiry combined. Together, the providers of evidence to this inquiry represent a wealth of knowledge and practical experience that, in the Committee's view, was more than adequate for the tasks at hand. That is, to identify factors contributing to the severity of recent bushfires and to present a constructive way forward.

- 1.6 The purpose of the report is, then, two fold. First, the report seeks to convey the concern by local communities in fire prone areas that not enough has been done to mitigate the threat of fire. In so far as this report is critical of land management practices and fire suppression efforts, it reflects the high levels of concern that the Committee encountered through written submissions and during its program of public hearings and inspections in areas that have been badly affected by bushfires in recent years. Second, through the recommendations made in the report the Committee has sought to indicate how a national approach and policy would benefit prevention and management of future bushfire events.

## **The interests and role of the Commonwealth in emergency response and land management practices**

### **Emergency response**

#### **Disaster relief assistance**

- 1.7 States and territories are responsible for the management of natural disasters; however, in recent years the Commonwealth has provided significant assistance in the areas of bushfire response, recovery and research.<sup>1</sup>

- 1.8 The Department of Transport and Regional Services (DoTARS) administers the National Disaster Relief Arrangements (NDRA) through which:

States and Territories are partly reimbursed for natural disaster relief once their expenditures on eligible measures exceed a certain threshold.

Eligible disasters include bushfires but not those where poor environmental planning, commercial development or personal intervention or accident are significant contributing factors to the event.<sup>2</sup>

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1 Department of Transport and Regional Services, *Submission no. 208*, p. 2.

2 Department of Transport and Regional Services, *Submission no. 208*, p. 2.

- 1.9 Under the NDRA the Commonwealth reimburses 50 per cent of expenditure made by a state or territory in relation to personal hardship and distress payments for each eligible disaster that exceeds \$200,000.
- 1.10 For other eligible disaster relief measures the Commonwealth will reimburse a state or territory 50 per cent of its expenditure above 0.225 per cent of its revenue. The rate of Commonwealth reimbursement increases to 75 per cent of the expenditure of a state or territory once that expenditure exceeds 1.75 times the financial threshold.<sup>3</sup>
- 1.11 DoTARS stated that:

From the data provided to the Commonwealth by the States and Territories, it is not possible to isolate individual natural disaster types and report on the amount of reimbursement a particular event (or series of events) may have attracted ...

No NDRA claims have been lodged yet with the Department for the 2002/03 bushfire events. States and Territories are allowed up to three years after a disaster to claim reimbursements. It is expected that Victoria and NSW will claim substantial reimbursements for a number of separate fires that occurred in 2002/03. In the case of the ACT in 2002/03, all costs relate to a single fire incident.

Based on ACT Budget figures released on 6 May 2003 (\$17.5 million eligible expenditure in 2002/03), DOTARS estimates that the ACT may be eligible for around \$8 million in Commonwealth reimbursements. It is expected that the ACT will expend further funds on relief and recovery in 2003/04. A recent report from Victoria reports that \$86 million has been committed to support community recovery and reinstate fire affected assets such as parks, forests and roads. No similar estimates are yet publicly available for NSW ... NSW Treasury has informally advised the Department that eligible expenditure for bushfires for 2002/03 is estimated to be around \$110 million. This has yet to be verified in a formal claim.<sup>4</sup>

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3 Department of Transport and Regional Services, *Submission no. 208*, p. 3.

4 Department of Transport and Regional Services, *Submission no. 208*, p. 4.

- 1.12 The Committee acknowledges the importance of Commonwealth assistance to states and territories in their provision of relief aid to victims of natural disasters. The Committee received extensive evidence that the damage caused by bushfires can be managed to a greater degree than other types of natural disasters, such as flood and storm. The degree of damage caused by bushfire can very much depend on the effectiveness of factors within human control such as preventative practices and suppression efforts. There is much evidence to suggest that inadequacies in land management and fire suppression operations resulted in a greater amount of damage by bushfires than may have otherwise been the case.

### Fire fighting assistance

- 1.13 In response to the severity of the 2002-03 fire season, the Commonwealth through the DoTARS provided total funding of \$8.2 million to enable additional aircraft resources to be available to fire fighting agencies.<sup>5</sup> In addition the Department of Defence provided helicopters, aircraft facilities, fuel and water tankers, earthmoving equipment, generators, chainsaw operators, accommodation and meals to the fire suppression efforts in the Australian Capital Territory, New South Wales and Victoria.<sup>6</sup>
- 1.14 Under some circumstances the Commonwealth can also re-imburse the states and territories for direct fire suppression costs. DoTARS advised the Committee that the NDRA determination makes it clear that re-imburement cannot be claimed for the normal costs of state or local fire fighting agencies. However there is scope for some extraordinary costs of fire fighting to be included as eligible NDRA expenditure. This could include transport costs, non-capital vehicle and aircraft operating costs, food, fuel and non-standard staffing.<sup>7</sup> In some cases then the Commonwealth can contribute to the costs of putting out fires.

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5 Department of Transport and Regional Services, *Submission no. 208*, p. 8.

6 Department of Defence, *Submission no. 425*, p. 2.

7 Letter from the Department of Transport and Regional Services, 26 September 2003, providing answers to questions taken on notice at the public hearing on 21 August.

- 1.15 The Committee recognises the importance of Commonwealth assistance in aiding state and territory agencies in fire suppression and recovery from bushfire disasters. Given the considerable outlays of Commonwealth funds, the Committee is concerned at the significant evidence of the slow initial response time and lack of overall aggression in efforts to suppress the bushfires and which lead to the fires being more extensive than otherwise could have been the case.

## Land management

- 1.16 The Commonwealth does not manage the great proportion of public land, which in Australia lies under the jurisdiction of the states and territories. However, the national government has a responsibility and interest in the implementation of effective and appropriate land management practices on several grounds.
- 1.17 First, the Commonwealth has a significant financial interest through the National Heritage Trust (NHT) program in ensuring that state and territory agencies responsible for the management of land provide adequate measures for the prevention and mitigation of bushfire damage to projects funded by the program.
- 1.18 Through the NHT, the Commonwealth has provided funding totalling \$1.4 billion for projects that aim to conserve the environment and natural resources from 1996-97 to 2001-02.<sup>8</sup> In 2001 the Commonwealth announced an additional \$1 billion of funding to the NHT to 2006-07.<sup>9</sup>
- 1.19 The NHT provides funding for projects to improve the quality of the environment in protecting biodiversity and natural resources, particularly waterways. Intense bushfire events have a major impact on these values. The Commonwealth has a legitimate interest in ensuring that the projects in which it is currently investing deliver intended outcomes. This can be achieved through the use of NHT funds for the implementation of land management practices that mitigate the intensity and extent of bushfire damage.

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8 National Heritage Trust, <http://www.nht.gov.au/extension/index.html>, viewed 21 September 2003.

9 National Heritage Trust, <http://www.nht.gov.au/extension/index.html>, viewed 21 September 2003.

- 1.20 Second, the Commonwealth has an interest in relation to fire and land management because of its obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

the Commonwealth Government has a responsibility to protect nationally listed threatened species and ecological communities, and to ensure the development of recovery plans for these species and communities.<sup>10</sup>

- 1.21 At a public hearing in Canberra, an officer with the Department of Environment and Heritage expanded on the Commonwealth's responsibilities under the Act:

the primary responsibility for the management of threatened species and ecological communities on state managed lands is with state and territory agencies ...

[However] It would be illegal for any person to take an action that could have a significant impact on the listed values of that particular site for that particular species. In that event, the EPBC Act would be triggered. The minister is empowered by that act to call for an assessment of that development and to make a determination whether to modify the development or prohibit it outright. If the minister does not do that, any interested person can apply to the Federal Court to ensure that those provisions are adhered to. That is under the current operation of that act.<sup>11</sup>

- 1.22 Whilst the Committee heard some evidence to suggest that the Commonwealth could do more to meet its obligations under the EPBC Act, the point relevant to the inquiry, as far as the Commonwealth interest is concerned, is that the Commonwealth has a statutory obligation in the protection of threatened species.

- 1.23 The EPBC Act includes a list of key processes that pose a threat to threatened and endangered species. The environmental consequences of intense wildfire events were acknowledged in the suggestion made by a landholder in the Brindabella area that 'large area severe fire ... be nominated as one of the key threatening processes' for the purposes of the Act.<sup>12</sup>

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10 Environment Australia, *Submission no. 347*, p. 1.

11 Stewart Noble *Transcript of Evidence*, 22 August 2003, p. 42

12 Noelene Franklin, *Transcript of Evidence*, 14 July 2003, p. 28.



- 1.24 Third, the Commonwealth is directly responsible for the management of a number of reserves. These include the Booderee National Park (Jervis Bay, New South Wales), the Australian National Botanic Gardens (Australian Capital Territory), Kakadu National Park and Uluru – Kata Tjuta National Park (Northern Territory).<sup>13</sup> None of the reserves managed by the Commonwealth were affected by the January 2003 bushfires with only the Booderee National Park and the Australian National Botanical Gardens located in south eastern Australia.<sup>14</sup> The Department of Defence also has significant landholdings across Australia.
- 1.25 Fourth, the Commonwealth has responsibilities as a signatory to international instruments for areas occurring on the World Heritage List (such as the Tasmanian Wilderness and the Blue Mountains<sup>15</sup>) and the Ramsar Convention (such as the Ginnini Flats Wetlands in the Australian Capital Territory).<sup>16</sup>
- 1.26 Fifth, the Commonwealth has an interest under the *Australian Heritage Commission Act 1975* in protecting against damage to historic sites, such as the cattlemen’s huts in the alpine and subalpine areas of New South Wales and Victoria.<sup>17</sup>

## A national issue

- 1.27 In addition to the Commonwealth financial interests and legal responsibilities in areas that are affected by bushfires, the Committee believes that as the national government, the Commonwealth is best placed to address a number of specific areas where shortcomings are evident. These include improved research into fire behaviour and management, the implementation of uniform data and mapping systems, and the implementation of a national emergency radio communication system.
- 1.28 The need for a national approach in bushfire matters is already evident in processes such as the National Aerial Fire Fighting Strategy (to which the Commonwealth is already making a contribution) and the increasing trend toward the inter-state deployment of fire fighting elements.

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13 Environment Australia, *Submission no. 347*, p. 8.

14 Environment Australia, *Submission no. 347*, p. 6.

15 Environment Australia, *Submission no. 347*, pp. 3–4.

16 Environment Australia, *Submission no. 347*, pp. 6–7.

17 Environment Australia, *Submission no. 347*, p. 5.

## Conduct of the inquiry

- 1.29 On 26 March 2003 the House of Representatives resolved to conduct an inquiry into the recent Australian bushfires.<sup>18</sup> The members of the Select Committee on the Recent Australian Bushfires were appointed and met for the first time on 27 March 2003.
- 1.30 The Committee's terms of reference were advertised widely and written submissions invited through metropolitan and regional media in March and April.
- 1.31 The Committee received 507 written submissions,<sup>19</sup> as well as 55 exhibits<sup>20</sup> and other correspondence.
- 1.32 The Committee held inspections in areas of the Kosciuszko National Park, areas of north eastern Victoria and the Gippsland, the Shoalhaven, the Australian Capital Territory, Ballarat, the Mount Dromedary area (in Tasmania) and the Manjimup area. The Committee also held public hearings in Nowra, Katoomba, Richmond, Cooma, Canberra, Wodonga, Omeo, Buchan, Ballarat, Hobart, Manjimup and Perth.<sup>21</sup>

## Scope and structure of the report

- 1.33 The Committee received an enormous amount of evidence particularly from areas in south eastern Australia that have been severely affected by recent bushfires, particularly the Blue Mountains, the Shoalhaven and the Snowy Mountains in New South Wales, the north east and Gippsland areas of Victoria and the Australian Capital Territory. The majority of evidence from these areas focused on shortcomings in land management, fire suppression and fire protection policies and practices.

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18 *Votes and Proceedings*, 26 March 2003, p. 833.

19 Listed at Appendix B

20 Listed at Appendix C

21 Details listed at Appendix D

- 1.34 On a more positive note, the evidence received from Tasmania and Western Australia tended to focus on significant achievements in the management of bushfires. The ongoing development of knowledge on fire management means that agencies responsible for land management and fire suppression in these states are not without their problems (as acknowledged in evidence). However, the level of cooperation between land management and fire suppression agencies, as well as the level of knowledge on fire management they have achieved provides a way forward.
- 1.35 Specific concerns were consistently raised across all areas that have suffered loss of life, property and environmental damage in recent bushfire seasons. However, the levels of concern on each issue varied from area to area and across jurisdictions. This variation, no doubt reflects the diverse land management and fire suppression arrangements both within and across jurisdictions as well as the variety of experiences of those who provided evidence.
- 1.36 Concerns that were consistently raised in evidence from fire affected areas can be summarised as the:
- build up of fuel loads on public lands;
  - decline of fuel reduction programs on public and private lands;
  - inadequate access into national parks;
  - disregard and exclusion of local knowledge in land management agencies and fire suppression operations;
  - slowness of response and lack of aggression by management responsible for fire suppression activities;
  - mismanagement of fire suppression operations; and
  - failure of radio-communication systems and equipment.
- 1.37 These concerns fall into three broad areas covered by the Committee's terms of reference. The first area relates to practices that can prevent and mitigate the severity of damage by bushfire before the event. The inadequate implementation of policies and practices that mitigate the effects of fire are dealt with in chapter 2. The adequacy of fuel management particularly through prescribed burning and grazing for the mitigation of the severity of bushfire is examined in chapter 3.

- 1.38 The second area refers to management of the fire suppression effort during the event. Issues of the lack of rapid initial response and aggression in managing the fire suppression effort are dealt with in chapter 4. Broader issues of current administrative arrangements and organisation of the fire suppression effort are examined in chapter 5. Chapter 6 explores the available fire fighting resources and technology including the role of volunteer fire fighters and aircraft in fire suppression efforts.
- 1.39 The third area concerns fire protection of property before the event and recovery after the event. Chapter 7 refers to the part played by insurance in recovery from fire as well as the relation of insurance to levels of preparedness for bushfire.
- 1.40 Chapter 8 sets out some of the future directions and steps the Committee sees as desirable for the Commonwealth to take in setting a clearer national approach and direction to fire fighting.