

COMMONWEALTH RESPONSE

to the

Senate Select Committee on Agricultural and Related Industries Report *The incidence and severity of bushfires across Australia*

INTRODUCTION

On 12 May 2009 the Senate tasked the Senate Select Committee on Agricultural and Related Industries to inquire into the incidence and severity of bushfires across Australia, including:

- a) the impact of bushfires on human and animal life, agricultural land, the environment, public and private assets and local communities
- b) factors contributing to the causes and risks of bushfires across Australia, including natural resource management policies, hazard reduction and agricultural land maintenance
- c) the extent and effectiveness of bushfire mitigation strategies and practices, including application of resources for agricultural land, national parks, state forests, other Crown land, open space areas adjacent to development and private property and the impact of hazard reduction strategies
- d) the identification of measures that can be undertaken by government, industry and the community and the effectiveness of these measures in protecting agricultural industries
- e) any alternative or developmental bushfire prevention and mitigation approaches which can be implemented
- f) the appropriateness of planning and building codes with respect to land use in bushfire prone regions
- g) the adequacy and funding of fire-fighting resources both paid and voluntary and the usefulness of and impact on on-farm labour, and
- h) the role of volunteers.

The Senate Select Committee's report titled *The incidence and severity of bushfires across Australia* was tabled on 13 August 2010. The report contained 15 recommendations focussed on bushfire mitigation and preparedness measures that may help to reduce the incidence and effects of catastrophic bushfires in Australia.

While state and territory governments have primary responsibility for the management of bushfires and other natural disasters, Australia's emergency management arrangements bring together the efforts of all levels of governments in a comprehensive and integrated all-hazards resilience-based approach. Within these arrangements, the Commonwealth works to enhance and promote community resilience, develop emergency management capabilities and support the states and territories when disasters occur.

The Commonwealth has responded to a number of related recommendations made by the Victorian Bushfires Royal Commission. The Commission released two interim reports on 17 August and 24 November 2009, targeting priority issues for action in preparation for the 2009-10 bushfire season. The Commonwealth acted decisively and has made significant progress in addressing those recommendations. The Commission released its final report on 31 July 2010. The Commonwealth has a significant interest, responsibility and/or capability in respect to five of the 67 recommendations contained in the report. These relate to bushfire awareness and research, Commonwealth fire fighting resources, bushfire arson and environment protection legislation. The Commonwealth responded on 25 October 2010 to address those recommendations.

While there is no way to completely fire proof Australia, the Commonwealth strongly supports action by all governments, businesses and communities to reduce the incidence and impact of damaging bushfires. The Commonwealth remains firmly committed to assisting the states and territories improve their emergency management arrangements by enhancing Australia's resilience to disasters.

BUSHFIRE MANAGEMENT IN AUSTRALIA

| |
|---|
| <p>Recommendation 1: The Commonwealth Government examine potential new arrangements for Commonwealth involvement in the development and implementation of a national policy for bushfire management.</p> |
|---|

Commonwealth position: Supported

In December 2009, COAG agreed to the establishment of a new National Emergency Management Committee (NEMC) to strengthen coordination and partnership between the Commonwealth and state governments in relation to emergency management. The NEMC is co-chaired by the Secretary of the Attorney-General's Department, the lead agency for emergency management and disaster resilience at the Commonwealth level, and Australia's Deputy National Security Advisor from the Department of the Prime Minister and Cabinet.

One of the NEMC's first tasks was to bring together the representative views of governments, business and the non-government sector into a comprehensive National Strategy for Disaster Resilience which was adopted by the Council of Australian Governments in February 2011. A fundamental principle of the strategy is the concept of shared responsibility. This concept recognises that the collective efforts of all sectors of society, including governments, business and the community, will be far more effective in strengthening Australia's capacity to withstand and recover from disasters, than the individual efforts of any one sector or group.

In terms of bushfire management specifically, the Primary Industries Ministerial Council and the Natural Resource Management Ministerial Council jointly commissioned a national fire policy to reflect the commitments of the 2004 *National Inquiry on Bushfire Mitigation and Management*. The resulting *National Bushfire Management Policy Statement for Forests and Rangelands*, developed in consultation with state and territory land management agencies, was completed in 2010. The policy was endorsed by the Primary Industries Ministerial

Council and the Natural Resource Management Ministerial Council in November 2010, and will be considered by COAG.

The policy is a high level statement of intent by all levels of government for the enhanced management of fire in the landscape. It provides the framework and principles for fire management. The principles identified in the policy will be reflected in all the individual land and fire management agencies' codes of practice or alternative instruments to ensure they are implemented at the operational level (i.e. in fire management plans and in operational responses to fire events). Implementation of the policy will rest with the states and territories as they have the responsibility for land management activities, and will be subject to budgetary priorities and constraints in individual jurisdictions.

Other national policies of relevance to bushfire management include *Australia's Biodiversity Conservation Strategy 2010-2030*, which was released by the Minister for Sustainability, Environment, Water, Population and Communities, the Hon. Tony Burke, on behalf of the Natural Resource Management Ministerial Council in October 2010. The strategy is intended as a guiding framework for conserving our nation's biodiversity into the future. It recognises that a changing climate, poorly managed fire regimes and differing land management goals can all threaten biodiversity and ecosystem services. To address this threat, the strategy recognises the importance of increasing our understanding of fire regimes and incorporating this knowledge into land management decisions whilst also incorporating biodiversity considerations into fire management plans. Implementing the biodiversity conservation strategy is a shared responsibility across all levels of government, the community and the private sector. The strategy identifies key priorities for action, supported by clear outcomes and measurable targets, and will be reviewed in 2015.

Managing bushfire risks requires a range of strategies and techniques. The effectiveness and appropriateness of particular approaches needs to be assessed based on a range of considerations. For example, while grazing is sometimes put forward as a possible approach to reducing fuel loads, it can have significant negative environmental impacts, and studies¹ have found that in some environments grazing increases fire risk.

Recommendation 2: The Commonwealth co-ordinate a standing national arson forum between fire and law enforcement agencies to be held every two years.

Commonwealth position: Supported

The Commonwealth recognises that bushfire arson is a major threat to the safety of Australian communities and has already acted upon this recommendation.

The Commonwealth notes that a way to reduce and prevent bushfire arson is to maximise cooperation between fire agencies, police, social services, the criminal justice system and all

¹ Studies have found that in some environments, such as tussock grasslands, grazing increases fire risk (Leonard et al, 2010). A study by CSIRO of the Victorian 2003 bushfires (Williams et al, 2006) concluded that there was no evidence that grazing in open alpine environments reduced the occurrence or severity of fires. This conclusion was endorsed by the 2003 Esplin Inquiry into those bushfires, which concluded that 'there is currently no scientific support for the view that 'grazing prevents blazing' in the High Country.'

levels of government. In 2009, the Commonwealth instituted the National Forum for the Prevention of Bushfire Arson, which is held annually for members of these sectors to promote more effective and collaborative means of combating arson. The second national arson forum was held in May 2010 and the next forum will be held in mid 2011.

A key outcome of the forum has been the development of the *National Action Plan to Reduce Bushfire Arson in Australia*, which was welcomed by the Victorian Bushfires Royal Commission.

The Commonwealth continues to actively support the implementation of actions identified in the plan, including:

- the establishment of a centralised national database of convicted and suspected arsonists within CrimTrac
- the development of a Bushfire Arson Investigation Course to build the expertise of arson investigators across the country, and
- the launch of the Bushfire Arson Prevention Handbook developed by the Australian Institute of Criminology.

The reduction of bushfire arson will continue to be a focus for the Commonwealth through the development of a National Strategy to Reduce Bushfire Arson being prepared by a joint working group of the Ministerial Council for Police and Emergency Management.

Recommendation 3: The Productivity Commission undertake an examination of bushfire risk from ageing power infrastructure, including an assessment of replacement costs and likely suppression costs from bushfires caused by defective infrastructure.

Commonwealth position: Not supported

The National Electricity Market is jointly managed by the Commonwealth and the states and territories through a combination of national and jurisdictional instruments.

The key instrument underpinning this approach is COAG's Australian Energy Market Agreement (AEMA), which established the regulatory instruments for electricity including the National Electricity Law and National Electricity Rules.

The AEMA sets out the responsibilities of energy market institutions, the method by which national reforms will be progressed, and the roles and responsibilities of the Commonwealth and participating jurisdictions. Under the AEMA, technical or safety authorisations for distribution businesses remain state and territory functions, to which bushfire mitigation applies. Separate regulatory arrangements apply in Western Australia and the Northern Territory, but in each case bushfire mitigation remains the responsibility of the relevant jurisdiction.

Given the responsibilities of state and territory governments and the particular focus of the review, the Commonwealth does not consider that the Productivity Commission would be an appropriate body to undertake work in this area. In this context, the Commonwealth suggests state and territory governments further consider bushfire risks from ageing power infrastructure, and notes that some jurisdictions including Victoria have already announced

steps to mitigate risks arising from power infrastructure, in response to the Victorian Bushfires Royal Commission Final Report Recommendations 27-30 and 32-34.

Recommendation 4: Subject to the findings of the Productivity Commission, the Commonwealth examine options for the funding of replacement of power infrastructure that presents an unacceptable bushfire risk.

Commonwealth position: Not supported

Distribution and transmission network businesses are responsible for maintaining electricity assets in accordance with the technical and safety standards set by the states and territories, including bushfire mitigation. There are established processes in place to support infrastructure replacement programs that meet these requirements. These processes are outlined below.

In all states and territories other than Western Australia and the Northern Territory, the Australian Energy Regulator (AER) is responsible for economic regulation and compliance with the National Electricity Rules. This includes making regulatory determinations with respect to the revenue that regulated network service providers can earn. The National Electricity Law provides that the AER must exercise its economic regulatory function and powers in a manner that will promote efficient investment in, operation and use of electricity services for the long term interests of consumers. Under the National Electricity Rules, the AER also needs to consider relevant health, safety, environmental and social legislation applying to the electricity distribution industry.

State and territory governments are responsible for determining the technical and safety obligations and requirements which are imposed on distribution network service providers with respect to bushfire mitigation. The AER sets its regulatory determinations for network service providers with consideration to, and within the bounds of, the bushfire mitigation regulation set by jurisdictions, alongside other relevant national and state and territory legislation as outlined above.

Separate regulatory arrangements apply in Western Australia and the Northern Territory, but in both cases network business compliance with technical and safety requirements applied by the jurisdictions is also a relevant consideration in making the appropriate revenue determinations.

In this context, the Commonwealth supports state and territory governments reviewing arrangements for ensuring capital works are undertaken in a timely way to ensure technical and safety issues are fully and appropriately addressed. The Commonwealth does not however, consider it appropriate to examine options for funding replacement of power infrastructure at this time.

Recommendation 5: The Commonwealth seek agreement from the states and territories that would enable it to evaluate the adequacy of fuel reduction programs applied by public land management agencies in high bushfire risk areas, and audit their implementation against the program's stated objectives.

Recommendation 6: The Commonwealth publish all fuel reduction plans and related audit findings on a national database.

Recommendation 9: Further Commonwealth funding for bushfire suppression be made conditional on state fire agencies agreeing to the Commonwealth evaluating and auditing their fuel reduction programs.

Commonwealth position: Not supported

In December 2009, COAG agreed to a new whole-of-nation resilience based approach to disaster management. This approach considers disaster resilience to be the collective responsibility of all levels of society including governments, business, the non-government sector and individuals working together.

In this context, and in line with their constitutional responsibilities for disaster management, states and territories are best placed to undertake bushfire risk mitigation activities in their jurisdictions. This includes appropriate monitoring and evaluation of fuel reduction programs for which they have the necessary expertise. The Victorian Bushfires Royal Commission made a number of similar recommendations regarding the adequacy and transparency of prescribed burning programs in Victoria. These recommendations were directed appropriately to the Victorian Government, which committed to significantly increase fuel reduction burning by 2014 and introduce accompanying monitoring and assessment programs. Transferring this role to the Commonwealth will only undermine the fundamental concepts of shared responsibility and community resilience.

The Commonwealth actively assists the states and territories to improve their disaster management arrangements through a range of programs and other support activities. Provision of Commonwealth funding for the restoration of essential infrastructure under the Natural Disaster Relief and Recovery Arrangements is already conditional on the development and implementation of appropriate disaster mitigation strategies. Similarly, the National Partnership Agreement on Natural Disaster Resilience acknowledges that both the Commonwealth and the states and territories have a mutual interest in reducing the impact of, and increasing resilience to, natural disasters.

Under these circumstances, the Commonwealth does not support the Committee's recommendation that funding for essential bushfire suppression activities such as aerial firefighting should be withheld based on the level of fuel reduction undertaken (this being just one element of a suite of measures available to states and territories to manage the risk of bushfires). Withholding Commonwealth funding under these circumstances will only impair state and territory efforts to protect Australian communities threatened by bushfire.

Instead, the Commonwealth encourages states and territories to actively monitor and enhance the effectiveness of their fuel reduction programs as considered appropriate.

Recommendation 7: The Commonwealth consult with local, state and territory government planning authorities on the development and dissemination of a house loss risk index for households in Australia's highest risk bushfire areas.

Commonwealth position: Supported in principle

The Commonwealth appreciates that a clear understanding of disaster risk is crucial if Australian households are to make adequate preparations and informed decisions about bushfires and other disasters.

The Victorian Bushfires Royal Commission also emphasised the importance of community education and advice clearly conveying the risks of extremely dangerous bushfires. The Commission recommended that Victoria's Country Fire Authority encourage householders to undertake an individual assessment of their home's defendability. In response, the Victorian Government created the Household Bushfire Self Assessment tool to assist residents in their bushfire survival planning and appointed ten bushfire safety officers to assist residents undertake individual property assessments. Similar household bushfire assessment tools are available in other jurisdictions, and the Commonwealth is also engaged in a range of community awareness and education programs to raise awareness about the risk of bushfires and other natural hazards.

The Commonwealth is committed to increasing community understanding of bushfire risk and preparedness. Recognising, however, that a number of measures already exist to help Australian households assess their individual level of bushfire risk, the Commonwealth will consult with the states and territories on the need for a house loss risk index.

Recommendation 8: The Commonwealth Government work with the states and their agencies to ensure consistent terminology is used when communicating with the public.

Commonwealth position: Supported

The Commonwealth supports the Committee's invitation to work with the states and territories to ensure the use of consistent terminology when communicating with the public. The Victorian Bushfires Royal Commission made a similar recommendation. As indicated to the Commission, the Commonwealth will work with the states and territories to determine their views on the development of nationally acceptable bushfire terminology, as the matter will require national collaboration.

The Commonwealth has already undertaken a number of initiatives to improve public communication during bushfires and other emergencies.

Through the Broadcast of Emergency Warnings project the Commonwealth worked in consultation with Australian, state and territory government agencies and national peak media broadcast bodies to improve the effectiveness and consistency of national arrangements between government and media for the broadcasting of emergency warnings. The outcomes of this project included:

- in principle endorsement by peak broadcast media organisations and the Ministerial Council for Police and Emergency Management – Emergency Management of the

National Best Practice Guidelines for the Request and Broadcast of Emergency Warnings

- establishment of a forum for consultation across government and broadcast media to address potential issues, shared interests and projects
- development of a web presence providing industry, government and the public with core documents and links relating to this project, and
- development of a training module on the role of media in emergencies, for use by both media and government.

A further outcome was the 'Emergency Warnings – Choosing Your Words' guide to support the effective wording of warnings. The guide highlights the importance of using clear language when issuing emergency warnings so that the public understand the severity of impending risks and action to be taken. The 'Emergency Warnings – Choosing Your Words' guide was recommended by the Victorian Bushfire Royal Commission in its interim report as "providing excellent practical guidance as to the best method of drafting and constructing a clear and useful bushfire warning".

The wording guide was used as a key reference document in the development of the National Framework for Scaled Advice and Warnings to the Community. This framework includes a new six-point fire danger rating scale, including a 'catastrophic – code red' category, which was introduced for the 2009-10 bushfire season. The new fire danger rating scale was adopted by all jurisdictions and incorporated into the Bureau of Meteorology's public weather warnings and forecasts to help Australians better prepare themselves for high fire risk days.

The Commonwealth will continue to work closely with state and territory governments to further strengthen national arrangements in relation to the broadcast of warnings to the community in times of emergency.

Recommendation 10: The Commonwealth assist the states with bushfire training for land managers and volunteers by co-ordinating curriculum development and delivery of a national bushfire accreditation course, to be delivered by the relevant state agencies.

Recommendation 11: The Commonwealth organise the co-operation of state land management and fire agencies to provide the practical training aspect of the curriculum as part of a national bushfire accreditation course.

Commonwealth position: Supported in principle

The Commonwealth Attorney-General's Department is well placed to assist states and territories coordinate and develop appropriate curriculum for bushfire training. The Australian Emergency Management Institute currently develops and delivers a suite of training and education, including nationally accredited competencies for the emergency management sector throughout Australia in consultation with state and territory jurisdictions. It has a purpose-built emergency management education facility that could be used to train-the-trainer and for project coordination meetings. State and territory governments are able to avail themselves of these training opportunities.

Recommendation 12: The Commonwealth encourages further research into prescribed burning and its effectiveness and into alternative bushfire mitigation approaches through improved bushfire risk understanding at the asset level.

Recommendation 13: At the conclusion of the current Bushfire CRC funding agreement the Commonwealth establish a new permanent bushfire research institute.

Commonwealth position: Supported

The Commonwealth supports greater research and analysis being undertaken in regard to natural hazards including bushfires. The Commonwealth has already committed significant resources to support bushfire research. In the 2009-10 Federal Budget, the Commonwealth announced that the Bushfire Cooperative Research Centre (CRC) would receive an additional \$15 million over three years from 2010 to tackle specific research tasks arising from the experience of the Victorian bushfires.

The Bushfire CRC has developed three research programs to address areas in regard to bushfire risk. These include:

- Understanding the Risk – which will include work relevant to the Senate Select Committee’s recommendations on fuel reduction and risk planning
- Communicating the Risk – which, with the national focus of the Bushfire CRC, may facilitate progress in relation to the Committee’s recommendation on the use of consistent terminology when communicating with the public, and
- Managing the Threat – which will include work relevant to the Committee’s recommendations relating to the efficient use of fire-fighting resources.

These research programs and related utilisation activities with state and territory fire, emergency services and environmental agencies will be conducted from 2010-11 to 2012-13.

Establishment of a new bushfire research institute would require an ongoing commitment from all governments. The Commonwealth has recently responded to a similar recommendation made by the Victorian Bushfires Royal Commission. This response confirmed that the Commonwealth will work with states and territories to develop options for bushfire research within the nationally agreed all hazards framework and through existing institutions. The Australian Emergency Management Institute is well placed to work with the states and territories on this recommendation.

Recommendation 14: The Productivity Commission be tasked to assess the economic effects of recent major bushfires on the Australian economy to determine the cost effectiveness of prescribed burning as a mitigation strategy.

Commonwealth position: Not supported

Land management is primarily the responsibility of state and territory governments, notwithstanding land owned by the Commonwealth. Those who manage land are best placed to determine the most appropriate bushfire mitigation strategy to adopt giving full consideration to the differing landscapes, financial implications, land management objectives and local stakeholder interests. It would not be appropriate for the Productivity Commission to examine one course of action and its costs in isolation given that a suite of measures are needed to mitigate against bushfire risk.

Recommendation 15: The committee recommends that the Commonwealth co-ordinate a national approach to the pooling of ground fire fighting resources across agencies and jurisdictions to maximise the efficiency of their use.

Commonwealth position: Supported in principle

There currently exist arrangements between state and territory governments for the pooling of ground fire fighting resources, and states and territories take advantage of these arrangements. These arrangements are continually reviewed and refined through the auspices of the Australasian Fire and Emergency Service Authorities Council (AFAC). To date, state and territory governments have not raised the need for a coordinated national arrangement for the pooling of these resources. However should they wish for Commonwealth support in coordinating a national arrangement, then there are national Committee mechanisms to provide impetus to the issue. By contrast, state and territory governments requested a national arrangement on aerial fire fighting, and consequently a national arrangement has been established in this area.

That said, the Commonwealth actively supports states and territories in developing their capacity to manage bushfires and other emergencies, and is committed to ensuring the effective coordination of resources in such events.

Emergency Management Australia (EMA) within the Attorney-General's Department has been collaborating with AFAC on the pooling of ground fire fighting resources across jurisdictions. In July 2010, EMA participated in an AFAC Interagency Resource Sharing Workshop aimed at enhancing cross-agency sharing protocols and improving resource coordination during the bushfire season. The workshop has led to participants progressing the development of a resource sharing model that will lead to efficiencies in sharing resources.

EMA has also introduced annual pre-season operational briefings for state and territory fire services and emergency management agencies. These briefings enable Commonwealth agencies including EMA, Department of Defence, Bureau of Meteorology and Geoscience Australia to advise the full spectrum of Commonwealth support available to jurisdictions in an emergency. These briefings also provide the opportunity to review, and where necessary

amend, support arrangements under the Commonwealth Disaster Plan to ensure effective planning and utilisation of Commonwealth resources during bushfires and other events.

The establishment of the national Crisis Coordination Centre within the Attorney-General's Department will also lead to improved information sharing and coordination across and between the Commonwealth and states and territories. The Crisis Coordination Centre maintains continual situation awareness in relation to fire risk and fire weather, and state and territory agencies will be provided with national information and situation reports to enhance coordination of resource utilisation and deployment at the national level.

