

Firestick Estate Inc.

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Mr Scott Morrison
Prime Minister
Parliament House
Canberra ACT, 2600

22 February 2019

Dear Prime Minister Morrison,

"...millions of tonnes of fuel ready to explode..."¹

If State 'negligence' that causes deaths is legally a crime, while State failure is not, your use of the words "...government is negligent...there should be an inquiry into every major fire like this", are crucial². They lead the State to find the obvious, a legal imperative that your "...enquiry into fires..." must accept, that the State's past negligence has led to a backlog of **"...millions of tonnes of fuel ready to explode..."** and demands a wide response, including new laws to assist prescribed burning.

Recently, details of the State's apparently negligent practices have been published, prompting an email stream from Australia's top bushfire experts, confirming your words with, 'tragically', 'criminally negligent', 'this crime', 'guilty', 'enormous confidence trick' and 'whole rotten business'.

'Fire risk back to black', 12 December 2018¹.

The *Weekly Times* published a front-page article and *Opinion*: "...Black Saturday's firestorms... destroying 2100 homes and killing 173 people...shocked the world and prompted politicians...to swear it would never happen again...Yet the reality is...**millions of tonnes of fuel ready to explode...**". The State accepts a residual risk of 70-80 per cent of houses being incinerated in an extreme bushfire, after not one politician or expert, publicly denied that the Eltham Gateway will trap and kill thousands of people³. Australia's most respected bushfire scientist "...Phil Cheney said residual risk was a load of bullshit...developed by people with no on-ground experience...If you look at risk, what you can control, fuel load is the only thing that matters". Nationally prominent forester and author, "...Vic Jurskis, said...fuel loads were now higher than they were prior to Black Saturday". The newspaper reported "...Environment Minister Lily D'Ambrosio...**refused to answer questions on whether a residual risk of 80 per cent was acceptable in Victoria's most populous bushfire zone**" (our emphasis).

Expert opinion, 21 December 2018 to 17 January 2019.

Dr Neil Burrows (21/12/18) who, chaired a State expert committee on residual risk, sent an open email to others. Dr Burrows wrote, "...it was up to the Government to determine...residual risk of 70-80%!, which is ridiculously high...tragically, it is only a matter of time before the Vic. residual risk (theoretically 70-80% house loss at the fringe) will be realised".

Vic Jurskis (15/01/19) wrote, the policy was "...fancy models only keep the money rolling...bullshit busy work...providing a smokescreen for the politicians so they can hide behind complexity...the only variable we can control is the quantity and arrangement of fuel".

Roger Underwood AM (15/01/19), WA expert, author and commentator. The State "...has subjected it's communities to an enormous confidence trick...the whole rotten business".

Phil Cheney (16/01/19) stated "...there is a fundamental flaw to this approach...indeed a confidence trick...I was invited to join the committee but withdrew when asked to sign a confidentiality agreement not to discuss the outcome of the meeting...Such deception should be considered criminally negligent...this does not help the people who are killed...".

David Packham OAM, USA NFPA Award (17/01/19), Internationally renowned and Australia's most respected expert witness on extreme bushfires (Supreme Courts of NSW, Vic, WA & SA),

Page 1 of 2

"...trying to set fires, rather than prevent them" - Bill Gammage 2012

concluded the email stream with "...this crime against the Victorian people...some wild assumptions about fatality and fire intensity...how government and its agencies can so happily put their community in the way of death and destruction...I would expect that a QC would have no trouble convincing a jury of guilty if 'Confidential' reports are withheld".

'Fire wire failure', 23 January 2019 ⁴.

The Weekly Times published a front-page article about the State's apparent negligence about extreme bushfire ignitions:

Deadly ignitions (1969 to 2009): The Commission concluded "...159 of Black Saturday's 173 victims died in fires caused by powerlines...Victoria has a history of electricity assets causing bushfires in 1969, 1977 and 1983...spark about 200 fires each year".

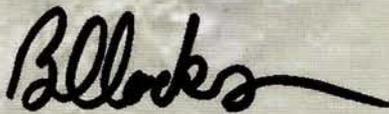
A promise to fix (2009/10): "The 2009 Victorian Bushfires Royal Commission recommended all single earth wire return and 22kV lines within areas of highest bushfire risk across Victoria's power line network should be covered, bundled or put underground within 10 years". The State's leaders told us they accepted the recommendation and would fix it.

More people to die (2019) "...Victoria's most dangerous powerlines stand ready to spark yet another catastrophic bushfire...just 606km of the 3557km of bare-wire lines that sit within the state's 33 extreme risk zones", ensuring more people will die. "A spokeswoman for Energy Minister Lily D'Ambrosio **refused to answer questions...**" (our emphasis).

Firestick Estate believes the Minister's refusal to answer questions is because, when she is summons "...to front another Royal Commission to explain her government's failure..." ¹, the questions will not be about failure, they will be about 'negligence', and jail for involuntary manslaughter through negligence.

Western Australia provides a tested policy template to protect humans, homes, animals and habitats. Please ensure your "...enquiry into fires..." insists on new laws to reduce the "...**millions of tonnes of fuel ready to explode...**" because of decades of systemic State negligence. With respect, you must demand strategically conducted prescribed burning of 12.5 per cent of public land every year. That will result in landscape level fuels never exceeding 10 tonnes per hectare and you will not have to live in fear of going to jail, for the crime implicit in your use of the word 'negligent'.

Yours faithfully,



Belinda Clarkson (Secretary)
www.firestickestate.com

¹ **Fire risk back to black**, The Weekly Times, 12 December 2018

² **Radio interview with Alan Jones**, 6 December 2018

³ www.elthamsdeathtrap.com.au

⁴ **Fire wire failure**, The Weekly Times, 23 January 2019

CC: Opposition Leader Bill Shorten, Cabinet Ministers & Others

| State: | Leaders: | Opposition Leaders: | Emergency Management Commissioners: | State Police Commissioners: |
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"...trying to set fires, rather than prevent them" - Bill Gammage 2012

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Wednesday, December 12, 2018 \$2.90 (Incl. GST)



WEEKLY TIMES

Drought, regrowth push bushfire danger to catastrophic levels

Fire risk back to black

By PETER HUNT

THE bushfire risk is back to Black Saturday levels in Victoria's most dangerous and populous zone, stretching from Kilmore to Morwell and covering 59 per cent of the state's population.

The residual risk in Victoria's East Central zone has climbed from 39 per cent in the aftermath of Black Satur-

day's fire storms to 80 per cent today — the same level it reached just before February 7, 2009.

Drought has exacerbated the situation, with much of the zone facing severe rainfall deficiencies.

Dense regrowth, fallen timber and standing dead trees have led to warnings fuel loads in areas burnt out in the 2009 firestorms could be even higher than prior to Black Saturday.

But Forest Fire Management Victoria refuses to release crucial information, telling *The Weekly Times* "fuel load data is only published to Business Level Data (an internal system), which means it is only available to internal DELWP users".

The only information publicly available is Victoria's latest fuel management report, which shows FFMVic applied controlled burns or mechan-

ical treatment to just 8048ha of the East Central zone's 2.3 million hectares in 2017-18.

The Victorian Government's policy states it aims to "maintain residual risk at or below 70 per cent". Yet Environment Minister Lily D'Ambrosio told *The Weekly Times* "we are below the statewide residual risk targets we have set".

Ms D'Ambrosio refused to answer

questions on whether a residual risk of 80 per cent was acceptable in Victoria's most populous bushfire zone.

Across the state, the FFMVic's 2017-18 report shows it spent \$107.8 million to burn or treat 74,825ha, at a cost of \$1421/ha, a huge rise on previously reported costs of \$30-\$300/ha in 2003.

- Continued Page 4
- Editorial, Page 16
- Rule's View, Page 17

High alert as bushfire risk reaches Black Saturday levels

• From Page 1

The treated area is a fraction of the 390,000ha annual fuel reduction target set by the 2009 Victorian Bushfire Royal Commission, which called on the State Government to treat a "5 per cent minimum of public land".

The Royal Commission was scathing in its criticism of the former Bracks Labor Government's Department of Sustainability and Environment for only setting a target of 130,000ha in the lead-up to Black Saturday.

Yet the Andrews Government abandoned hectare-based targets in 2015, opting for a computer modelled measure of residual risk — the simulated difference between impacts of a fire with maximum fuel loads versus one with reduced fuel loads resulting from controlled burns and past wildfires.

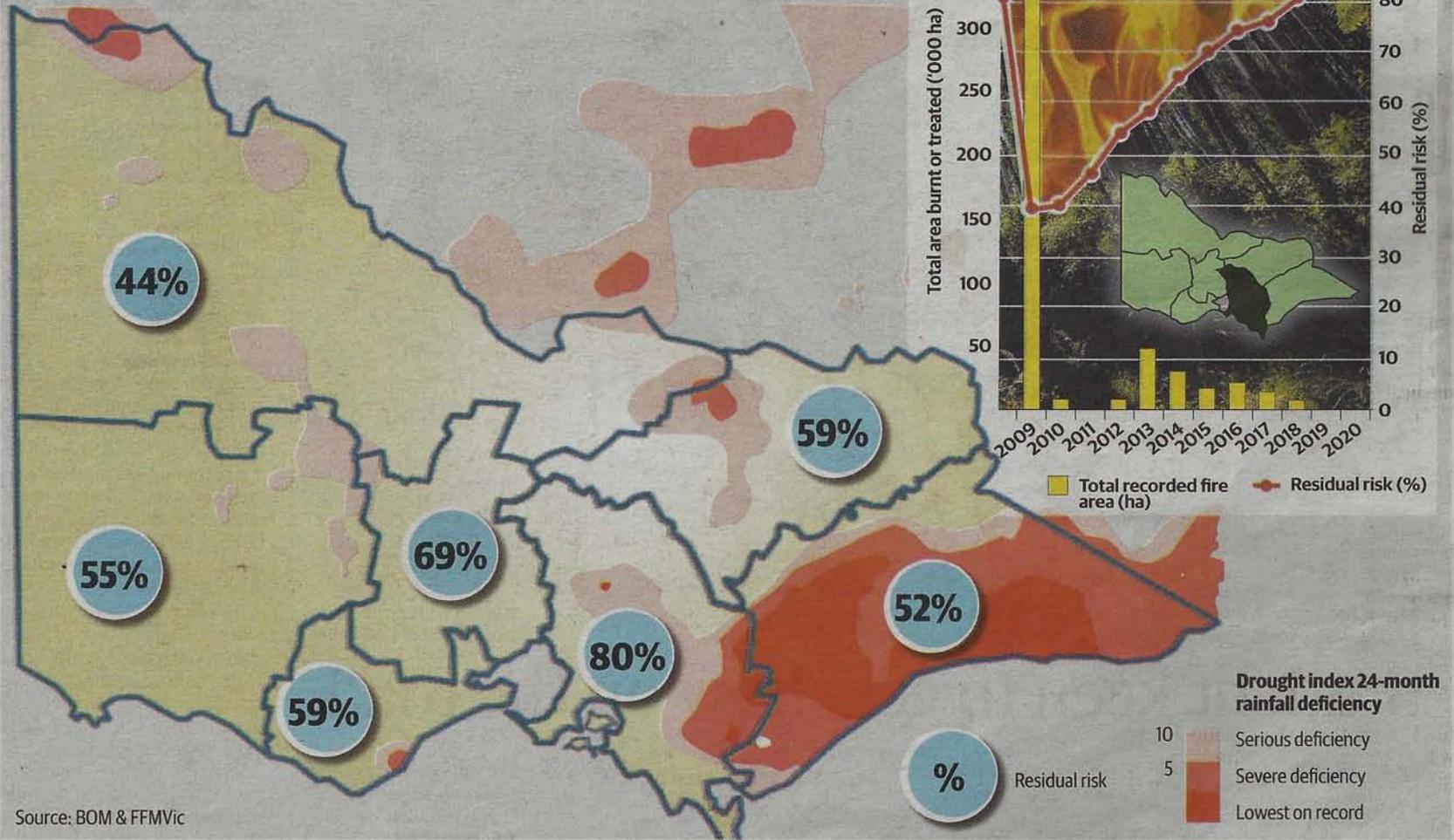
One of Australia's leading bushfire scientists, **Phil Cheney** said residual risk was a "load of bulls---". As the former head of CSIRO's bushfire research unit, Dr Cheney said residual risk was a measure developed "by people with no on-ground experience" running computer algorithms they "think are true". "If you look at risk, what you can control, fuel load is the only thing that matters," he said. Dr Cheney said numerous investigations had called for greater effort and resources being put into fuel reduction burns. Those include:

The 1939 Bushfires Royal Commission: "Justice Stretton said the amount of prescribed burning done by the then Forests Commission was 'ridiculously inadequate' because of a staff shortage and a tardy recognition of the importance of preventive measures".

The 2002-03 Victorian

DANGER SIGNS

Residual risk levels and current drought areas across Victoria



Bushfires inquiry calling for an annual optimum area for prescribed burning and routine public reporting of areas treated.

The 2008 Environment and Natural Resources Committee reporting: "A minimum average of 5 per cent of the public land estate, comprising 7.7 mil-

lion hectares, should be adopted as the annual prescribed burning target by DSE".

The 2009 Royal Commission stating it was: "concerned that the State has maintained a minimalist approach to prescribed burning despite a number of recent official or independent reports and in-

quiries, all of which have recommended increasing the prescribed burning program".

Former Forests NSW chief silviculturist and author of *Firestick Ecology* **Vic Jurskis** said the biggest concern was that fuel loads were now higher than they were prior to Black Saturday. "Fuel (loads) in-

crease much faster after a high intensity fire," Mr Jurskis said. "It turns green fuels into dry fuel, more litter and fallen timber and you end up with a solid wall of three-dimensional fuel."

In a prophetic warning, the 2009 Royal Commission's final report warned: "The State has allowed the forests to continue

accumulating excessive fuel loads. "Not dealing with this problem on a long-term and programmed basis means that fuel levels continue to increase, adding to the intensity of bushfires that inevitably eventuate and placing firefighters and communities at greater future risk."

Opinion

THE WEEKLY TIMES

Black Saturday lessons ignored

FEBRUARY 7 marks 10 years since **Black Saturday's** firestorms tore through 400,000ha, **destroying 2100 homes and killing 173 people.**

Victoria's worst natural disaster **shocked the world and prompted politicians and emergency service leaders to swear it would never happen again.**

The 2009 Victorian Bushfires Royal Commission highlighted the failings of the past, calling on future governments and forest managers to raise the bar and burn at least 390,000ha of public land each year.

But that target sputtered and died in the midst of reviews, red tape and pressure to spend the money on projects that delivered more immediate political gains — such as level crossing removals.

Forest Fire Management Victoria only managed to treat 74,825ha in 2017-18.

Why aren't we listening to former CSIRO bushfire scientist Phil Cheney's warning that "if you look at risk, what you can control, fuel load is the only thing that matters"?

The Victorian Government refuses to release fuel load data, instead giving us a computer-generated residual risk of 80 per cent — where we were just prior to Black Saturday.

Does Environment Minister Lily D'Ambrosio think there's a problem? Apparently not.

Yet the reality is Victoria's most dangerous bushfire zone has **millions of tonnes of fuel ready to explode** this summer or next in the wake of drought and extreme heat.

The Minister best hope she doesn't have **to front another Royal Commission to explain her government's failure** that led to another black day in Victoria's history.

17

THEWEEKLYTIMES.COM.AU WEDNESDAY DECEMBER 12 2018



RADIO INTERVIEW WITH ALAN JONES, 2GB

... Labor policy again? What can you do about it? Farmers want to remove stuff that makes bushfires less likely and Labor are saying no you can't touch it. I know it is your land but you can't touch it.

PRIME MINISTER: It's outrageous and the native veg laws in Queensland are exactly that and I remember I was up in Rockhampton last year and these same issues were being raised. The Queensland State **Government is negligent** when it comes to how they are handling these native vegetation laws and I know that Matt Canavan has also called for an enquiry into fires so these issues could be addressed and they should be.

JONES: And the other side of the coin as you would be aware the same farmers who are facing drought want to feed their cattle on mulga and the government is prosecuting them for using mulga to keep animals alive.

PRIME MINISTER: I saw that when I was out in Quilpie that time Alan and they took me all through the mulga issue there, and yes these laws are basically undermining the livelihoods of people living in rural Australia and they are doing it all at the behest of those who are having the soy lattes in inner city parts of the country.

JONES: Absolutely.

PRIME MINISTER: So I agree that is not how it should be run, there should be that enquiry that Matt is calling for. There should be **an inquiry into every major fire like this.**

QUEENSLAND Country Life

THE AUSTRALIAN

AAP 1:57PM DECEMBER 7, 2018 • COMMENTS

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The federal parliamentary inquiry will look at all states and territories and

Littleproud launches inquiry into Qld bushfires



Mark Phelps
@MarkQCL

7 Dec 2018, 10:17a.m.

News

The inquiry will begin this month and is expected to report back by April.



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WEEKLY TIMES



THE VOICE OF THE COUNTRY SINCE 1869

10 years since Black Saturday and little progress on making powerlines safe

FIRE WIRE FAILURE

By PETER HUNT

A DECADE on from Black Saturday, 83 per cent of Victoria's most dangerous powerlines stand ready to spark yet another catastrophic bushfire.

The 2009 Victorian Bushfires Royal Commission recommended all single earth wire return and 22kV lines within "areas of highest bush-fire risk" across Victoria's powerline network should be covered, bundled

or put underground within 10 years. The commission's call was based on the conclusion that 159 of Black Saturday's 173 victims died in fires caused by powerlines.

But figures supplied by network owners — AusNet and Powercor — show they have covered, bundled or buried just 606km of the 3557km of bare-wire lines that sit within the state's 33 extreme risk zones.

Bushfire scientist Kevin Tolhurst's

phoenix Rapidfire model identified that bare wire powerlines posed a devastating risk to lives and properties at Swifts Creek, Seymour, Broadford, Kilmore, Warrandyte, Jamieson, Hepburn, Gellibrand, Creswick, as well as the Dandenong, Yarra and Colac-Otway ranges and another 33 extreme risk zones.

AusNet Services reported last April it had replaced just 265km of its 1728km of powerlines in extreme risk

(codified) zones, since 2012-13, across the eastern half of Victoria.

Powercor had replaced just 342km of its 1829km of bare wires in western Victoria's extreme zones by April 2018.

And neither company intends to speed up the process, with AusNet reporting it would replace and protect another 39km of bare wires in the 12 months to April this year, while Powercor aimed to replace 62km.

An AusNet spokeswoman said

"a faster replacement program was considered". "(But) after public consultation, the Government chose replacement at end of asset life as delivering the most cost effective risk reduction for customers".

• Continued Page 4
• Rule's View, Page 15

10 years on and lines still prove a risk

• From Page 1

Industry sources also pointed to a loophole in the Victorian Government's bushfire mitigation regulations, which they said slowed the rollout.

Victoria's Electricity Safety (Bushfire Mitigation) Amendment Regulations 2016 state that AusNet or Powercor only need to "wholly or substantially replace" any powerline within one of the 33 extreme risk zones, if they are working on "at least four consecutive spans".

In August last year AusNet released a tender to upgrade the Seymour to Yea powerline, part of which passes through an extreme (codified area) zone.

The tender states: "The 22kV subsidiary assets from pole 4704198 to pole 4704411 are within a codified area and "any conductor replacement has to be limited to 4 spans in this area or a HV ABC (insulated high voltage aerial bundled cable) solution must be implemented."

An AusNet spokeswoman said there was no basis to any claim that the tender document was an attempt to avoid powerline replacement works.

"It's not practical to insulate lines every time you touch a single span as it would introduce big delays in restoring power after faults and storms," she said. "The four

HAVE YOUR SAY

Should the Government replace risky powerlines?

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spans rule strikes a good balance."

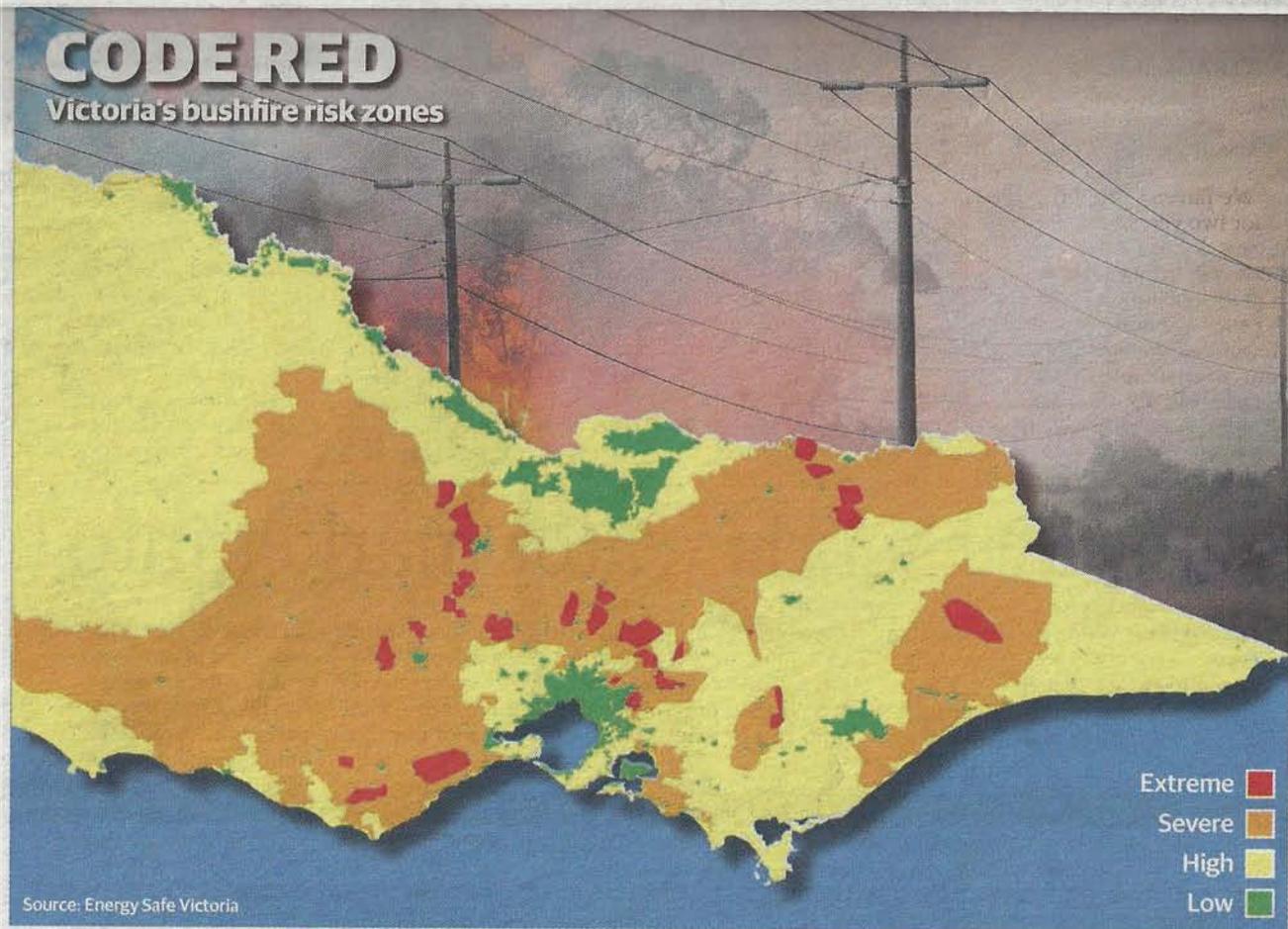
Industry sources say the blame for failing to do more can be sheeted home to weak government regulation and an even weaker regulator — Energy Safe Victoria.

A spokeswoman for Energy Minister Lily D'Ambrosio refused to answer questions on the loophole, simply stating: "We're taking action to reduce the risk of bushfires and protect communities across Victoria."

But even the Government-commissioned Grimes Review into electricity and gas network safety called on ESV to show greater independence and effort in enforcement.

The final Grimes report, released last August, stated ESV had "sometimes been perceived as having a reluctance to adopt more strict enforcement methods for energy network businesses" and the "movement of staff between regulated businesses, consultancies and the regulator (ESV) creates risks of perceived or actual conflicts of interest".

The 2009 Royal Commission expressed concerns that ESV's "focus is on ticking



POWERLINE FIRES

Source: Energy Safe Victoria

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Fires due to contact | 79 | 54 | 108 | 114 | 101 | 98 | 105 | 95 | 117 |
| Fires due to asset failures | 60 | 61 | 123 | 239 | 177 | 148 | 98 | 105 | 88 |
| Total | 139 | 115 | 231 | 353 | 278 | 246 | 203 | 200 | 205 |

boxes rather than substantive matters".

Powercor electricity networks general manager Steven Neave said: "We are confident we will fully deliver the royal commission recommendations related to our business within the regulated timelines".

ESV's own data shows

powerlines continue to spark about 200 fires each year, with the number dropping to close to 100 in wet years and surging to 300 or more during dry, windy summers.

The royal commission highlighted Victoria has a history of electricity assets causing bushfires in 1969, 1977 and 1983, due to clashing of con-

ductors, conductors contacting trees, and inefficient fuses.

In investigating the 1983 Ash Wednesday fires, inquiry chairman Sir Esler Barber found four of the eight major fires that day were caused by electricity assets.

In his final report Sir Esler warned powerline fires "tend to occur in widely separated

places at about the same time and at the time of day when conditions are such that the rate of spread of fire is likely to be at its peak".

On Black Saturday electricity assets caused six of the 11 major fires — Kilmore East, Murrindindi, Beechworth, Coleraine, Horsham and Pomborneit — Weerite.