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Your Details

Email address:

Phone:

Preferred means of contact: Email

What is your submission based on? I am making this submission based on my professional knowledge, qualifications or experience or on behalf of a group or organisation

What is your area of professional expertise?

If you are lodging your submission on behalf of a group or organisation, what is the name of the group or organisation? National Farmers' Federation

Your Submission

In your experience, what areas of the bushfire emergency response worked well?

In your experience, what areas of the bushfire emergency response didn't work well?

In your experience, what needs to change to improve arrangements for preparation, mitigation, response and recovery coordination for national natural disaster arrangements in Australia?

Is there anything else you would like to tell the Royal Commission?

Do you agree to your submission being published? Yes I agree to my submission being published in my name

Supporting material provided:

2020.04.28_NFF_Sub_Bushfire_RC.pdf



National Farmers' Federation

Submission to

Royal Commission into National Natural Disaster Arrangements

28 April 2020

NFF Member Organisations





The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

Statistics on Australian Agriculture

Australian agriculture makes an important contribution to Australia's social, economic and environmental fabric.

Social >

There are approximately 88,000 farm businesses in Australia, 99 per cent of which are wholly Australian owned and operated.

Economic >

In 2018-19, the agricultural sector, at farm-gate, contributed 1.9 per cent to Australia's total Gross Domestic Product (GDP). The gross value of Australian farm production in 2018-19 is estimated to have reached \$62.2 billion.

Workplace >

The agriculture, forestry and fishing sector employs approximately 318,600 people, including full time (239,100) and part time employees (79,500).

Seasonal conditions affect the sector's capacity to employ. Permanent employment is the main form of employment in the sector, but more than 26 per cent of the employed workforce is casual.

Environmental >

Australian farmers are environmental stewards, owning, managing and caring for 51 per cent of Australia's land mass. Farmers are at the frontline of delivering environmental outcomes on behalf of the Australian community, with 7.4 million hectares of agricultural land set aside by Australian farmers purely for conservation/protection purposes.

In 1989, the National Farmers' Federation together with the Australian Conservation Foundation was pivotal in ensuring that the emerging Landcare movement became a national programme with bipartisan support.

1. Introduction

The National Farmers' Federation (NFF) welcomes the opportunity to Royal Commission into National Natural Disaster Arrangements announced following the devastating 2019-20 bushfires.

The NFF notes the Terms of Reference of the Commission:

- a. the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;
- b. Australia's arrangements for improving resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;
- c. whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:
 - i. thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;
 - ii. whether the Commonwealth Government should have the power to declare a state of national emergency;
 - iii. how any such national declaration would interact with State and Territory emergency management frameworks;
 - iv. whether, in the circumstances of such a national declaration, the Commonwealth Government should have clearer authority to take action (including, but without limitation, through the deployment of the Australian Defence Force) in the national interest;
- d. any relevant matter reasonably incidental to a matter referred to in paragraphs (a) to (c).

and have regard to:

- e. the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that you consider relevant, including any available State or Territory inquiries relating to the 2019-2020 bushfire season, to avoid duplication wherever possible;
- f. ways in which Australia could achieve greater national coordination and accountability — through common national standards, rule-making, reporting and data-sharing — with respect to key preparedness and resilience responsibilities, including for the following:
 - i. land management, including hazard reduction measures;
 - ii. wildlife management and species conservation, including biodiversity, habitat protection and restoration;
 - iii. land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;
- g. any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.

2. Inter- and intra-state coordination

Effective coordination between the Commonwealth and States, and within states themselves is an essential component of disaster management. A well-coordinated response would ensure that the appropriate resources are allocated at the right time under a broader response strategy to fight bushfires, involving all relevant stakeholders, including:

- State governments and departments;
- State firefighting agencies; and
- The firefighting force, especially including volunteer firefighters.

In rural and regional Australia, farmers and local community members comprise much of the firefighting efforts, using their own equipment and expertise knowledge of the landscape.

During the 2019-20 bushfire response, the NFF has been informed of multiple incidences across multiple states of firefighting efforts by state departments being diminished due to poor coordination between Departments and the local communities. For example, in NSW, the poor coordination, and the chain of command, between the NSW Rural Fire Service (RFS) and volunteer firefighters prevented local firefighters from making crucial decisions that would have reduced the severity of the fire in that event, and therefore the fighting effort. This included:

- Disallowing the use of privately owned firefighting units;
- Significant delay before receiving authorisation to conduct critical and strategic backburns; and
- Preventing the local firefighting force from making efforts to control the fire.

The NFF has provided this case study at **Appendix A**.

Local communities and firefighters have an intimate knowledge of the landscape and conditions in their local area. The inability to incorporate local knowledge reduces the capacity of the state organisations to make decisions that would materially reduce the severity of a bushfire. Local communities cannot be expected to wait for decisions from a command centre located kilometres away while their communities are burning.

The NFF believes the centralised, conservative and risk averse nature of decision-making in firefighting organisations is a key limitation preventing proper fire management in the landscape. While the NFF recognises the importance of work, health & safety, and the need to preserve life, these conditions have equally compromised firefighting efforts.

Thus, the NFF recommends State Governments delegate greater autonomy to local volunteer firefighting forces to make appropriate decisions during a bushfire.

The NFF also recommends State Governments develop mechanisms to ensure local knowledge can be incorporated and utilised into the decision-making process to improve the effectiveness of the firefighting response.

The NFF recommends that State Governments seek to reduce their potential liabilities and financial risk where it is necessary to carry out fire fighting activities including hazard reduction burns.

Farmers and local communities value their environment and their community. Many will stay to fight fires to protect their property and township at their own risk — a decision made of their own volition— and therefore should be given greater autonomy to exercise their rights. State governments should not be held responsible for self-imposed risk, especially if it leads to decisions that may diminish fire management efforts. Recognising the importance of local communities in fighting fires, **the Commonwealth and/or States should play a role to invest in maintaining volunteer firefighting capacity into the future.**

While States predominantly have jurisdictional responsibility over land management and therefore bushfire response, the Commonwealth has the capacity to assist by allocating and sharing additional resources as necessary. The 2019-20 bushfires were unprecedented in the number of bushfires occurring at any one time, putting a significant strain on resources required to fight fires across several jurisdictions. The normal course of events is that jurisdictions without significant fire pressure would provide assistance and backfill, this was challenged due to the broad coverage of the fires. The response to send out the Australian Defence Force (ADF) was a useful and ultimately necessary mechanism to provide additional resources on-ground to the firefighting effort and should be considered for use again in the future where it may be required.

The ADF has considerable logistical expertise and equipment resources readily deployable in emergency or disaster situations. The unprecedented level and coverage of fires stretched RFS and local resources to the limit in December 2019. In NSW, some local brigades could not access the necessary earthmoving equipment required to construct firebreaks and trails. However, the convoluted communication channels through RFS left one brigade with no option but to lobby successfully through their local Federal MP directly to the Prime Minister for the deployment of the ADF. This took valuable time to come to fruition by which time the immediate urgency had passed. The ADF, however, did prove invaluable in clean up and fence line preparation.

The NFF recommends the Australian Government ensure there are clear arrangements between the Commonwealth and States about when and how these arrangements should occur. The NFF notes the recently developed National Disaster Risk Reduction Framework¹ (NDDRF) which aims to guide national, whole-of-society efforts to proactively reduce disaster risk in order to minimise the loss and suffering caused by disasters. This framework was developed following multi-sector collaboration led by the National Resilience Taskforce within the Department of Home Affairs.

One of the key priorities identified was governance, ownership and responsibility which recognised the potential for a nationally-owned and multi-stakeholder led coordination mechanism brought to relevant cross-sector expertise. This would provide an important link between local and national efforts. While underlying concerns remain that this could make decision-making even more removed from front line firefighters, there is merit in having more well-coordinated and appropriate resources available.

The NFF recommends the National Disaster Risk Reduction Framework be used to guide response and resilience to bushfire risk as well as the recommendations of this Royal Commission to minimise losses imposed by bushfires in the future.

The Australian Institute for Disaster Resilience is another existing body that provides a useful knowledge base to assist in coordination efforts to improve resilience. The NFF also recognises that

¹ <https://www.homeaffairs.gov.au/emergency/files/national-disaster-risk-reduction-framework.pdf>

there have been a number of findings and recommendations from past bushfire reports and inquiries that have yet to be implemented by their respective states.

There have been detailed inquiries responding to any number of major conflagrations over the decades. Many high-level inquiries over the last century have had a common set of recommendations which include better and more strategic management of fuel loads, targeted communication improvements and others. Ensuring sensible implementation of key recommendations continues to be a challenge.

The NFF is concerned that further inaction will affect future capacity to manage fire risk, which would ultimately be detrimental to rural and regional landholders and communities.

Therefore, the NFF recommends the Government consider mechanisms that can help fast-track implementation of previous bushfire recommendations.

3. Managing bushfire risk into the future

Vegetation laws

The NFF and its broader membership have been vocal on the need to have an effective land management framework to mitigate bushfire risk. The ability for farmers to adequately manage fire risk on their properties directly intersects with Commonwealth and State vegetation laws, though predominantly state.

The NFF defers specific state recommendations to our respective State Farming Organisations, including: NSW Famers' Association, Victorian Farmers Federation, AgForce Queensland Farmers Limited, Primary Producers South Australia, Northern Territory Cattlemen's Association, Western Australia Farmers Federation; and the Tasmanian Farmers and Graziers Association.

The NFF notes the Commonwealth *Environment Protection and Biodiversity Conservation Act 1989* that is currently under statutory review. There is a need to ensure the EPBC Act conditions, for example fire as a threatening process, do not further limit the ability of farmers to manage fire risk.

The 2009 Victorian Royal Commission also recognised the important role of private units in firefighting across Australia, which are usually operated by farmers or other landowners. As bushfires affect both private and public land, there is a need for coordination between landholders, emergency services and the community.

Some land and vegetation management practices employed by the agricultural sector include:

- **Managing vegetation around and within their properties** – all landholders have an imperative to protect their property and assets such as fences, sheds which house valuable machinery and fodder, and houses. Usually, native vegetation protection in this context involves clearing vegetation (grasses and trees) within a certain distance from infrastructure assets. This is often achieved by graded or slashed firebreaks and fuel reduction fires. In Victoria, for example, the planning system allows for creating a fuel management zone within set distances from a dwelling – an inner mineral earth zone and an outer zone. This does not apply to other property assets such as sheds or dairies, to livestock sheds or other critical infrastructure.

- **Grazing** – grazing is used to reduce fuel loads on farm and also in crown land. It is a low risk option to manage fuel loads, and provides a practical alternative to prescribed burning and is particularly important in land where public and private land is connected.

These practices are commonplace around Australia but differ between industries. However, the degree to which they are practiced is affected by federal and (mostly) state vegetation laws and regulated by state governments, local councils and other individuals.

In Victoria, there has been increasing pressure to minimise burns on crown land in favour of controls on private land – often to protect towns from forests. For example, one potato grower was asked to provide a 50 m buffer in his paddock as Council was not going to maintain the road as a fire break to protect the town. This is a loss of income, which is not compensated, and reflects community concerns about vegetation management in crown land and on roadsides.

The NFF recommends the Commonwealth work with State Governments to ensure there are consistent rules around the ability to manage fuel risk at the intersection between private and public land.

Hazard reduction burning is a major tool used to manage fuel load on land. States have their respective targets and systems of managing fuel load and will make individual assessments on its effectiveness during the 2019-20 bushfires. The NFF is of the view that hazard reduction burning should be guided by scientific evidence. However, a major limitation of successful burning is resourcing. The NFF recognises that hazard reduction burns are resource intensive activities that require advanced planning, suitable burn windows, communication with surrounding landholders, and can be inadvertently aborted if conditions are unfavourable.

Given the vast Australian landscape, it does not appear feasible that hazard reduction burns can occur beyond strategic locations, potentially areas where there would be a significant impact on properties. This is also true for national parks which have seen a gradual decline in funding, the impact of which could well be the inability to conduct all necessary burning required to managed risk. The NFF is of the view that national parks should be developed with the expectation they will be adequately resourced so it can be properly managed, including weeds. Otherwise, it increases risk to neighbouring properties.

In the same vein, the NFF is of the view that landholders also have a moral obligation to manage fire on their properties. Members have raised anecdotal concerns about larger, corporate landholders not participating in local firefighting activities on and around their properties, and leaving it to neighbouring landowners. While it is a voluntarily decision to participate in these activities, collective action is often necessary to effectively respond to fires and is only as good as its weakest link. The NFF emphasises that the importance of active land management, particularly in the Australian landscape, and that regulation should not unnecessarily impede farmers for their ability to manage risk. There appears to be a philosophical opposition to fuel reduction through burning due to the potential impact this may have on biodiversity, or even ‘matters of national environmental significance’ in the EPBC Act.

While the NFF recognises the importance of protecting biodiversity, this has led to the decline in the level of active land management which has allowed many landscapes to become overgrown. This decline i has also decreased fire preparedness and created a gradual build-up of fuel loads that has

increased the risk of catastrophic fires and which had a much greater deleterious impact on biological communities (threatened or otherwise).

Indigenous knowledge can play a key role in both improving biodiversity and managing fire risk in Australia. Australia's history indicate that Indigenous Australians disrupted the previous balances of nature and extinguished many species, including megafauna. Over a few millennia after the arrival of Indigenous communities to Australia, a new balance which included human-induced fire was established. Indigenous Australians introduced the firestick, which replaced a regime of infrequent high-intensity lightning fires, or megafires. They rearranged the vegetation composition at a landscape level and terminated succession of many plants along with their associated megafauna herbivores. Indigenous Australians maintained a newly established balance for more than 40,000 years, which included large environmental and climatic fluctuations. The distribution, extent and condition of regional ecosystems that exist in Australia today are fundamentally changed from vegetation communities that were found by European settlers when they explored and 'began' agricultural production just over two centuries ago.

In a separate paradigm, the framework of vegetation management laws, increasingly prevalent since the 1970, seeks to preserve a vegetative mix that has evolved, not one that was 'here' at European settlement. There is abundant evidence of this, including in *A Million Wild Acres*² by Eric Rolls. Great care therefore needs to be taken when implementing policy that seeks to 'protect' our heritage in a landscape or vegetative sense when in many cases it is protecting a new cohort heavily influenced by European landscape management and preservationist laws.

There is ample evidence which supports the role of cool, slow burns, hazard reduction in supporting ecological communities and sustaining balanced biodiversity outcomes. The NFF is aware of efforts by state authorities to promote and increase its use, and recommends the Commonwealth support the states in their endeavour to increase the use of cool burns to manage the landscape. However, these processes are more resource intensive for public estate management agencies.

If it eventually becomes too resource intensive to conduct all hazard reduction burns necessary, greater innovation is required to ensure fire risk can be appropriately managed and property protected.

The NFF recommends that governments, public land managers, the agricultural sector and associated industries recognise the potential, and learn from, indigenous fire management knowledge and practices.

The NFF recommends governments to review all opportunities and approaches to bushfire preparedness, including different methods of fuel and land management (for example 'cool burning', mechanical slashing, integrated forest management, traditional fire approaches) to protect life and property as well as ecological and cultural values.

The NFF's State Farming Organisation members have made recommendations to manage fuel risk, including:

- Mapping key agricultural areas — type of production; key locations / assets; nature of systems in order to tailor a response on the ground in respective of bushfire response and bushfire recovery if needed.

² <https://trove.nla.gov.au/work/8498816>

- Ensure agricultural industry membership in relevant bushfire risk management committees.

Fire preparedness

The 2019-20 fire season saw significant bushfires start, from September 2019, in NSW. Queensland, Victoria, South Australia, the ACT and Western Australia were significantly affected by fires that were in each state at the same time which challenged resources and evoked a Commonwealth response.

Independent auditing against fire preparedness benchmarks to check the fire season readiness of public land agencies may be beneficial. Audits would take into account the extent of pre-season fuel reduction, fire training, fire detection systems, firefighting equipment and communication systems. Rather than supplying limited funding, a long-term reporting system is required to ensure that prior to each fire season fire suppression authorities are aware of fire risk and preparedness throughout Australia.

The NFF recommends the creation of an Australian National Audit Office function that audits national fire preparedness against bushfires.

The NFF recommends development of a national bushfire policy for Australia to ensure consistency in land management and planning strategies, and to provide guidance from which states and coordinate tasks.

The NFF is of the view that climatic risk should be incorporated into state management strategies to ensure states are appropriately prepared and resourced for future fires. Sufficient investment into research into bushfire risk and resilience will be necessary to ensure there is a strong knowledge base to guide policy and decision-making. The Bushfire and Natural Hazards CRC has been a useful body coordinating interdisciplinary research on natural hazards across Australia and should continue to operate to ensure the capacity and knowledge is available to improve resilience and mitigate risks.

The NFF therefore recommends the Commonwealth extends funding to the Bushfire and Natural Hazards CRC (or similar) to undertake coordinated and interdisciplinary research.

Post-fire recovery

The forestry sector in particular has a strong interest in appropriate land management strategies to minimise unnecessary and preventable damage to private plantations.

Plantations are valuable assets and in addition to the commercial gain from harvesting a stand, trees in the landscape provide a myriad of environmentally beneficial outcomes. As such, unnecessary damage to plantation crops should be prevented.

However, there will be circumstances where swathes of the Australian landscape will be burnt due to bushfire. There is a role for the forestry sector in post-fire recovery response, particularly in fire-ravaged forests, through the removal of saw logs and other timber where they can separately be put to use. This would provide needed economic assistance to communities in particular where bushfires render otherwise native forest non-harvestable. Selective logging should be considered.

The NFF recommends Government to explore the efficacy for selective logging in bushfire ravaged areas as part of a nationally coordinated bushfire response.

Bushfire recovery

The aftermath of bushfires has provided an opportunity to ensure restoration of fire-impacted regions can be done better, with fire-proofing and mitigating fire risk front of mind, and cuts across vegetation management, building codes and others. The National Disaster Risk Management Framework should guide this effort.

The recovery response will require consideration of cross-sectoral issues including critical infrastructure, climate adaptation, agriculture, building codes, natural resource management, and others. Figure 3 of the NDRRF illustrates this point.

However, the NFF notes that several sectors will adapt to the likelihood of increased bushfire frequency, and intensity, and incorporate into their business plans. This will be the case for insurance companies through their premiums, electricity companies through their infrastructure in rural, regional and remote communities. Where Governments have a clear role to play is the allocation of resources to ensure appropriate research and investment takes place, and development or amendment of national policy, guided by sound advice, to facilitate movement towards best practice.

Appendix A

NSW Case study

One of the NFF's members in NSW has been working as a Deputy Captain and formerly as a Captain at their local fire brigade with 40 years' experience.

Similar story to Coonabarabran and Sir Ivan Fire but RFS fail to get the message

The Palmers Oakey fire started on 2 December and crossed the Turon River into the Ilford-Running Stream Brigade area on 10 December in rugged steep inaccessible scrub country.

At the first Brigade Briefing, they were told "there will be no private units on the fire ground" — a directive from Fire Control.

Their brigade commenced putting in containment lines where possible which in the first instance were overrun. It spread mostly north up ridges giving a wide front in the event of westerly wind into some pine plantation and more accessible scrub country in which they worked to put in further containment lines.

On the night of 16 December, they had a rough containment line in on eastern front and easterly wind forecast for next 60 hours and wanted to back burn. Fire Control said no.

They fortified and widened containment line on 17 December and again requested permission to back burn that night. With former captains, Deputy Captains and current Captain unanimous in their decision to back burn, again Fire Control incomprehensively refused to give them the green light with 36 hours left of easterly wind.

We need the white shirts of RFS to get out of our way and let those on the fire ground get on with the job of containing the fire with the captain having control of the fire **not someone in the control centre 50 miles away.**

the following facts were put in writing while fresh.

They gave the green light the next night of 18 December, with only 12 hours of easterly left conditional on us having enough units to manage it. They back burnt approximately 7 km's with mostly private units which contained the fire on the eastern front.

They then had to work on containing the northern flank putting in containment lines with bulldozers the following 2 days.

Fire control ordered the dozers out at 4am on the morning of 21 December citing dangerous conditions but to the best of our knowledge there was no predicted wind change until 9am.

With gusting winds and a hot day on the afternoon of the 21 December, this where they lost it with the fire breaking on the unfinished northern flank containment line, burning through to Camrons road, through Running Stream and over the eastern portion of Mt Vincent destroying several homes sheds and stock.

He was not sure at what stage it was declared a section 44 emergency.

If the captain had had the ultimate say, they would have back burnt at least a day earlier and had the northern flank containment lines done and been on the front foot, at least giving ourselves a sporting chance.

Appendix A

Control of the fire must be on the fire ground. No FCO in an Office will ever have the necessary intimate local knowledge around him as the fire unfolds and runs as a good Captain on ground will have enabling him to counter quickly when the opportunity arises without the apprehension and arse covering that we continuously see coming out of fire control. The backbone of their brigade's efforts was the utilisation of private units, mostly quickspray units around 10 to 12 at any one-time which Fire control did their best not to recognise, as against out 3 RFS units. All the private units were manned by RFS local members.

Does RFS expect the brigade in an emergency such as this with 50 odd active members to patiently sit and wait for a turn on three RFS units while our properties burn?

The ensuing two weeks they put in 20km of containment lines and back burns with their private units which all held, telling Fire Control only what they needed to know.

There was only one slip up when fire control was inadvertently advised the number of private units that were going to be utilised in a back burn to which they responded, "what are they doing there?", and again refusing the back burn.

Resources at this fire were stretched to the limit with the Captain frustrated at not being able to access enough necessary earthmoving equipment, largely due to the extent of other ongoing fires in NSW.

There should be a Royal Commission into this seasons fire management or lack thereof.

On the afternoon of the 13 December their brigade received an MVA callout to Aaron pass road, (adjacent to my driveway). He texted their Captain to say he would attend in his private unit and rang Fire control to advise the same as all their RFS units were in attendance at the Palmers Oakey fire. He has 1st aid training, crew leader and VF qualifications.

The response from fire control, "we can't allow that". He advised that all their RFS units were at the fire and I was going to respond the MVA Call. Moments later he received a text from Fire Control directing to "stand down", Mudgee headquarters would attend the MVA.

He ignored this advice and attended as he was only 5 minutes from Aarons Pass Road and Mudgee was 40 minutes away. This was a total fire ban day. Their logic is incomprehensible to say the least and not in the interest of saving human life it appears.

They were also instrumental in this area in lobbying for ADF and its substantial resources to be utilised