

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Inquiry into the impact of public land management practices on bushfires in Victoria

Heyfield — 1 August 2007

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Mr A. Hooper.

The CHAIR — Before we start with our next witness, I would like to welcome another Gippsland MP, Peter Ryan, the member for Gippsland South and Leader of The Nationals. Alex Hooper, thanks for joining us. We have your extra, added submission that you have circulated as well. I will just remind you that all evidence taken at the hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to provisions of the Parliamentary Committees Act 2003. Any comments you make outside the hearing may not be afforded such privilege. We remind you again that everything is being recorded today, and you will receive a transcript of your comments. We thank you for joining us today to make your submission and, if you are happy to, to take some questions from the committee later.

Mr HOOPER — Thank you, Mr Chairman. I just have a question, and I will have your direction. I supplied members with a copy of the submission today. Do you want me to go through that or just summarise it?

The CHAIR — Yes, summarise it. You have got a number of dot points on that first page so you might want to talk to those dot points.

Mr HOOPER — Thank you, Mr Chairman. At the beginning, for the benefit of members who are probably not familiar with me, I have been a long time in the CFA. I first joined the bush fire brigade after the 1939 fires, having seen the effects of what happened in 1939. In 1943 I became an officer of that bush fire brigade and continuously had various ranks through the system spending nine years as a board member of the CFA, so I have seen it from all sides until a few years ago when the master of time caught up with me. I believe I have an overall view of the problems that confront the organisation today. I am sorry to say that I am criticising an organisation that has been built up over the years, and I have been a part of trying to build that organisation up. However, in the last few years, due to various things, it seems to have gone off the rails.

Getting back to what I also would like to say, what I am saying today and in all my submissions is no criticism of the career people or the volunteers who have given tremendous service to this state and to the organisation and the community of Victoria. It is a criticism of the system which has evolved through political manipulation. It has evolved and we have changed the system in the last 10 to 20 years. In saying that, Mr Chairman, let me say very briefly on this that over a period of the 60s, 70s and 80s — and this is not being recognised by the Johnny-come-latelys — we had developed and built up a system of command and control, a system that was safe, that recognised the safety of our members and our volunteers, and that was built up by the influences of rural associations through the late Derek Austin. We had a series of schools and seminars at the Marcus Oldham College in Geelong, at the command and control college controlled by the commonwealth. These were forced upon us and highlighted command and control and the safety of our operations. That was developed right up until the early 1990s.

We had a very good system in place and, if you look back in history — and I have given you the 1982 fires reports from the *Gippsland Times* — there was very little criticism of our operations or concern expressed by the stakeholders, the people who we are here to serve. They were supportive of us because they knew that that organisation was doing the very best it could with the resources that were available. But today, if you look at what happened after every fire in the last 10 years or so, there has been public discontent. The community has not been satisfied, and if you look at those press reports that I have given you, they have not been satisfied with what the organisation has been trying to do. It is not the fault of the people in the organisation; it is the fault of the system, the fly trap under which they have to operate.

That was brought about because we had a change of direction in the early 1990s. I was on the board and I was very familiar with what was happening. Up until then the organisation was driven from the bottom up — and the influences were all from the bottom up. We had the command from local level. The command and the control of the fires was largely driven from the bottom up — and I was a part of that.

I was in the 1965 fires and the 1982 fires — I served at five serious fires. I know what happened. We had separate CFA control and it was driven from the bottom up, but in the 1990s the Chairman came along and the chief officer came along and decided that we had to get rid of these hayseeds. What they decided to do was drive it from the top down, and that is exactly what has happened. Today we have a government agency that is virtually under the influence and control of the minister, and that is driven from the top down. If you have a conservative government, you have it driven by the influences of those who put them there — big business. If you have a Labor government, the influence is from those who put them there, and that is our big problem today; it is driven from the top down. We at the grassroots level and we at local level with local expertise and knowledge have very little influence or

input into the organisation and, until we get that back, we will never solve our problems. That is the point that I want to emphasise, that we must get back local knowledge and local expertise.

I will get back to this submission and very briefly go to the dot points I have given you. The simple fact is I have kept away from recommendations because there are people who have got a lot more expertise and local knowledge than I have out in the bush about what should be done and what should not be done. I have concentrated in my submission on the adjacent areas that these fires are affecting. I put section 62 in this latest submission because I was disappointed when I read through the submissions. That was brought up in 2003, and it seems to have disappeared into the mists. It is very important that section 62 of the Forests Act be applied to the Avon Wilderness area. Today it is a no-man's-land. If somebody wants to go out there and do some fuel reduction or fire prevention work in that area, nobody has any responsibility. When the fire starts, yes, DSE has to go and put it out. All I am saying is that section 62 should be made to apply to that Avon Wilderness area, and then we can say to DSE, 'What are you doing about carrying out our good fire prevention and suppression in that area?'. That is all I want to comment on in that area.

Because of limited time, I will stick to what I believe are the two most important things in my dot points. No. 1 is the current practice of having a joint and integrated control of these fires. It is all very well when it is mainly a forest fire, but once it came out into those valleys, as it did for perhaps only 2 days out of the 62 days of the fire, the system failed, because it is not geared up for fast-moving fires — for example, as it did on 14 December in the Cowwarr area, as it did in the Tallangatta Valley and in many other instances in the 2003 fires, such as in the Indigo Valley. The fire is moving at perhaps 165 metres or 200 metres a minute. By the time they get the information back to the incident controller who is exercising the powers as a chief officer and who is in absolute control of it and who must make all the decisions regarding it, by the time you get it back and then make a decision, that fire, travelling at that speed is perhaps 10 or 15 kilometres away, and the decision is useless.

The other incident that happens in these fires is when, because of OHS requirements, they withdraw the services if it is too dangerous. Yet our private equipment and our private people have to stop in there and try to protect their assets and try to protect their lives. These highly trained, highly equipped people, with better equipment than any of our private equipment, are withdrawn because of safety problems. That is why I am saying OHS should not apply to emergency situations, because you cannot provide a safe working environment on a fire ground.

I have seen the simplest of fires in my life. There was a fire in the back of a V/Line ute with just a little bit of smoke. We rushed out there and put the thing out. The V/Line blokes, who were 4 or 5 chains up the road, were not telling us anything. When we rushed out there and put the thing out we found that, — yes, somebody had thrown a cigarette butt out on a windy day and it had landed in the back of the ute. There was a heap of black powder and detonators and a heap of fuel in the back of the thing. We put it out before it got to that. But if we had been a few minutes later, God knows what might have happened.

You cannot assess. These risks are ongoing, so you cannot have a safe working environment. Therefore, you cannot apply OHS, and this should be exempt from OHS in emergency situations. I am not saying that we should not work safely; we had that drummed into us at Mount Macedon when I went to the college there — safety first, safety all the time. But these people today did not know about that, or they have forgotten it. We have always practised safety and we have always practised the chain of command.

The other thing I want to get to — and the time is up and I want to give you a chance to question me — is the use of private equipment. When we go out there we have no alternative because we know, as we knew on 14 December, that the CFA is not going to provide us, and it did not, with adequate resources that will protect our assets. In my particular case, when I first joined the old Heyfield bushfire brigade in 1939 I had nothing. I had a pair of hands. Today I have a family operation with three generations, and we are paying \$120 a week in fire service levies and taxes on our insurance policies. I expect something for that, but I knew that on 14 December we were going to be on our own. When we were taking private equipment in there the incident controller was withdrawing the CFA. The Cowwarr tanker, when we were going in there, was being withdrawn, taken out of the area. As I have said in the statement, you could only put one or two assumptions on that. One, the incident controller was not aware of the risks that we knew were going to happen; or, if he was aware of it, our risks were a very low priority and the DSE requirements were a very high priority. So we were left for dead, as was said in those press statements.

We went in there with our private equipment. I went in there with three units. We put out spot fires, and we stopped a fire, with the help of two other private units, from crossing the main Traralgon-Maffra Road at Fells Creek. If it had crossed there, I tell you what, Cowwarr would have been under severe pressure and spotting would have gone through to Heyfield. We stopped that with three private units. Now with those units I knew full well I was protecting my assets and we were helping the community, and yet we had no public liability cover and we had no compensation cover. If the worst happened, and you cannot provide for that, I, as the owner and operator of that private unit, would have been the bunny and we would have been facing the music.

I am saying that that should be rectified. If we go and do the job that the CFA should be doing, then we should have some liability compensation protection from the community. I put up a proposition there for how it can be controlled. When we bring it to our career officers they throw their hands in the air and say, 'Oh, we can't control private units; we don't know what sorts of utes they're on'. If it is registered, it has got to comply with VicRoads requirements. I admit that you cannot decide what the unit itself has got. But how do you put a level on a unit?

If in the middle of summer there is a fire on the road in front of my place and I get out there quick enough and I throw a bucket of water on the ute, I can put it out. That is adequate. But if I wait to put a tank on and a heap of equipment, you will need 20 tankers to put it out if it takes off at 165 metres a minute. There again, you cannot put criteria on private equipment. But I am saying that it should have that liability cover, and if I take out fire insurance then I should have the option to add to that fire insurance a package that will give me the same cover as in sections 92 and 62 of the CFA act — total liability and compensation cover. The cost of that should be deducted, from the fire service levy that the company is going to pay to the government this should be paid by the government. Then the community covers us for private equipment.

The CHAIR — Are you happy to take some questions now?

Mr HOOPER — Having said that, Mr Chairman, I still want to emphasise that OHS cannot really be applied to the fire ground. I am not saying we should not have safety — we should be conscious of safety all time — but it is impossible to apply OHS requirements to the fire ground. That is one of our big concerns, because as soon as a problem occurs, immediately people are looking for somebody to blame. That most likely will be the person who has authorised that particular operation. I will leave it at that, Mr Chairman. Thank you very much.

Ms DUNCAN — Thank you for your presentation and obviously your many years of volunteerism in firefighting. Can you just give me a bit of a run-down on how effective you think firebreaks and containment lines were in the most recent fires and have the potential to be in the future?

Mr HOOPER — In our particular area there were no firebreaks, no containment lines; I cannot speak for the other areas. But particularly on firebreaks, there was a mention yesterday that firebreaks were of very little value. That is not a fact. I can quote to you from the 1978 fires, when I was one of the officers operating in this particular area. A firebreak which was 10-foot wide virtually saved the Cowwarr township. Now a firebreak is useless if there is aggressive fire and it hits it immediately at a 90-degree angle. At this particular firebreak the break was 10-foot wide and the fire hit it at a 45-degree angle and ran along it and was taken away past the Cowwarr township. That was invaluable. There is no way of saying that firebreaks are no good. Firebreaks are, in particular circumstances, very good.

The other thing which was brought up yesterday, and which I would like to comment on, were the linear fuses of the roadsides. There is no need for them to be around at all. Section 43 of the CFA act is not being enforced by the CFA and the CFA has ample power to enforce that under sections 45 and 46 of the act. I will refer to section 43 of the CFA act. I think I might be able to quote it to you from here. It says very clearly that the municipalities and those in charge of land have a direction to take all possible steps by burning or otherwise to prevent the occurrence and the spread of fire from that roadside and that land under its control. That has been totally ignored. Sections 45 and 46 give the CFA power to enforce that but for some reason it has done nothing about it. That is why we have linear fuses right across the countryside today. Thank you.

Mr VINEY — Thanks very much, Alex. I also want to acknowledge the great experience that you have brought to the committee. I am actually interested in the change of direction from the bottom up to the top down, which is a point that you made earlier in your submission. I was wondering whether you could give us some examples of the effect of that? Firstly, how does that change of direction from bottom up to top down translate out

in the field? Secondly, and perhaps more importantly, what could you do to change that system? What sorts of practical things would you recommend?

Mr HOOPER — Mr Viney, you can actually apply that to what happened in this area in 1982 and what happened in 2006. In 1982 — and if you read the press reports that I have given to you — there were thousands of acres out there, just the same as there were in 2006, on fire. We had different operations then; we had a separate control centre operating in Heyfield — from the Heyfield fire station. Andy Beveridge had a separate control centre operating up at the forestry. We controlled our own resources, but we had a very close liaison, and if they wanted help they just applied to us, and if we could give it, we gave it, and they gave it. But we controlled and we retained our own resources, and we retained tankers. If you read those press reports they tell you that there appeared to be a tanker at every house in Seaton. We never lost one occupied house because we were concentrating and controlling our forces.

In 2006 the great influence was from the DSE. As I said, it was taking units out of this area and putting them away to protect DSE interests. That would never have occurred in 1982. We had spot fires occurring out in the Cowwarr, Nambrok and the Denison areas; read the press reports. We had tankers out there putting them out; not private units but tankers. That is why it was such a success in 1982. But I am sorry to say that on 14 December 2006 it was a total disaster. That is how this new system works. It operates right from the top, and if we keep on going the way we are, we are going to have statewide control; it will not be regional control. We will have statewide control from the city somewhere like we have with our communications system now, which is controlled from Ballarat. Again, for me that will be another time when the little tin shed brigades in the area are going to be neglected.

Mrs PETROVICH — Thank you very much for your submission today. How would like to see the fire services levy paid by your community used to best local effect?

Mr HOOPER — In what way?

Mrs PETROVICH — How do you see the fire services levy, which you pay as a business — and many other people do as well — being used to best effect in your community?

Mr HOOPER — As I said, the fire services levy was increased in the budget, and it has increased under the Bracks government from \$98 million to \$248 million. Our fire services levy has gone up in that time from around \$50 a week to \$120 a week. The simple fact is that all that increase in funding has gone to provide more bureaucracy and more paid staff. We have the same resources out in those areas; the same tankers as we had 30 years ago. I would like to see a change in that direction. If we are going to continue to pay these high levies it should be directed more towards putting in resources. I believe one resource would be more slip-on units to the small brigades. Slip-on units are vitally important. Then we can make use of the private utes which are there with the four-wheel drives of the brigade.

At the moment our increasing levy is put towards more bureaucracy — more paid staff — and that has applied for the last five years, and it is going to apply for the next five years because we seem to be building up this great bureaucracy. We cannot afford to keep increasing the fire services levy.

Just while I am on the fire services levy let me say this, and I am taking figures from the Insurance Council of Australia and taking figures from a government inquiry 18 months ago into the fire services levy. I believe the levy as it is is the fairest and most just way of applying it, but at the present time for every \$100 premium we are paying \$78 in fire services levy and taxes. We know what we get from the insurance companies. If my place burns down I hope they will replace it, but what are we getting for the other \$78? That is a very big question. The other thing about it is that I have done the figures, and those figures — so far as I can find out — show that the government gets \$288 million and gives \$248 million to the CFA. It is making a nice, cool \$40 million to put in the kitty.

Mrs FYFFE — Thank you for your presentation, Mr Hooper. If I could just touch on your written and verbal submission, you and several others have highlighted that you believe the current management structure is cumbersome, bureaucratic, too tied up with red tape and too slow to make decisions. Do you think it would be better if it was how it used to be and we had just one body in control? Taking it even further, do you think we should have one person with suitable regional expertise — a sort of bushfire Red Adair — in total control of a fire area like we have had here?

Mr HOOPER — It might be all right in theory; in practice it would be a disaster. I think the illustration of that is that when we have one incident controller operating, as we had on 14 December, we saw the results. We have seen the results of this system for the last five or six years. The little tin sheds and the CFA areas are the ones that suffer. I would not support that at all.

The CHAIR — Thank you very much, Mr Hooper. I just remind you that a transcript will be sent to you in the next couple of weeks with instructions for what to do with it. Thank you very much for joining us today.

Witness withdrew.