

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

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

Melbourne — 16 July 2007

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Witness

Mr N. Free, policy adviser, emergency management, Municipal Association of Victoria.

The CHAIR — I formally declare open the Environment and Natural Resources Committee's hearing on the impact of public land management practices on bushfires in Victoria and thank everyone for their attendance. I welcome our first witness, Norm Free, a policy adviser, emergency management, from the Municipal Association of Victoria.

You have a detailed submission there from the MAV and an addendum, I understand, and I ask you to talk to those. All evidence taken at the hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and is further subject to the provisions of the Parliamentary Committees Act 2003. Any comments that you make outside the hearing may not be afforded such privilege. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript in the next couple of weeks.

Mr Free, would you care to make your presentation to us and take questions after your presentation.

Mr FREE — Thank you very much, Sir, and thank you for the opportunity to talk to the committee today. The Municipal Association of Victoria, as you have already said, has provided a detailed submission to assist the inquiry. A letter inviting us to present today raised some more issues, and that is why we have since produced an addendum to that submission as well. That addendum was produced following limited consultation with the councils, given the time constraints. Whilst this addendum aims to broadly reflect the views of local government in Victoria, it does not purport to reflect the exact views of individual councils, some of which have made submissions to the committee.

In relation to the role of the MAV in emergency management activities in the integrated fire management planning process, the MAV was formed in 1879 and has a statutory responsibility to act as the representative voice of local government through the establishment of the Municipal Association Act 1907. As the peak body for local government, councils' interests and rights are represented and protected through membership of the MAV. All of the 79 municipal councils are eligible to be MAV members, and all are current financial members.

The MAV has no direct role or responsibility in fire management activities per se; however, it does play a role in developing policy and submissions in relation to fire management issues and in providing representation at state level emergency management planning committees on behalf of all Victorian municipal councils.

Under an initial secondment and a subsequent service agreement with the Country Fire Authority, the MAV has provided the services of a contract employee to act in the role of manager of local government consultation and communications within the integrated municipal fire management planning project. The role of this position is to lead and manage the consultation and communication processes for the local government sector to enable the successful development and implementation of the new integrated municipal fire and emergency management planning framework for Victoria.

The MAV questions the effectiveness of the current legislation and regulatory arrangements for conducting prescribed burns on private land and property managed by councils. There is an inconsistent approach to regulation between the application of council local laws and the activation of requirements of the Country Fire Authority Act 1958, which come into effect on the declaration of a fire danger period. As the declaration of a fire danger period is determined on local conditions, there is an incremental implementation of fire prevention measures which causes inconsistencies between neighbouring municipalities. The MAV also questions why council officers are involved in the issue of permits to burn under section 38 of the Country Fire Authority Act when these officers have little or no expertise, training or identified competencies to undertake this task.

The MAV supports the involvement of local councils in prescribed burning and wildfire management processes in relation to council-owned land. It is acknowledged, though, that councils do not possess the resources and skills to undertake burns, but would play a role in the planning, community awareness and subsequent environmental management of those burns. The MAV notes that, although a very small number of councils currently implement a controlled burn program, the majority of councils do not have the resources required for effective post-burn management, particularly relating to the resourcing in terms of weed control to protect biodiversity values.

Councils recognise the need for a rigorous risk-based process to prescribe effective and safe controlled burns and minimise associated liabilities. The MAV notes that the Country Fire Authority has a project officer assigned to developing guidelines to meet this need.

With regard to the impact of firefighting efforts on the provision and maintenance of the roads managed by local councils, the MAV has confirmed that damage has been caused to roads managed by local councils through firefighting efforts. This damage has been exacerbated by increased water run-off due to the recent rainfall and siltation from public land which is devoid of vegetation due to the fires. Although some erosion control measures were implemented following the fires, locations where no controlled measures were in place have resulted in blocked culverts and a subsequent scouring of roads, leading to access problems for private landowners. Video evidence of damage to roads can be provided to the inquiry should this be of assistance.

The regionally based timber industry road evaluation study provides an ideal planning platform to identify locations and roads of concern and also to provide advice for improvements to roads which can be designated for rapid harvesting of forests following a fire event.

In regard to the effectiveness of maintaining permanent strategically placed fire breaks and containment lines, the MAV does not possess the appropriate expertise to comment on the effectiveness of maintaining permanent strategically placed fire breaks in protecting public and private assets. It respectfully defers this issue to the Country Fire Authority or the Department of Sustainability and Environment.

The MAV considers that implementation of integrated fire management planning will provide a mechanism for fire services and key stakeholders, including councils, to review the effectiveness of existing fire breaks in a consistent risk-based approach.

Some of the issues which MAV initially raised in its first submission regarded the application of the essential water replenishment guidelines, which is a clear example to explain the relationship between fire management on public land and its implications for local government in the application of these guidelines. The MAV and councils welcomes the guidelines for essential water replenishment, which were developed by the Department of Sustainability and Environment in conjunction with the Office of the Emergency Services Commissioner and were first applied to use in the Casterton fires of November 2006. Since that implementation, councils have identified a number of factors that need attention to reduce confusion and delays experienced in the claims management process. MAV acknowledges that DSE has confirmed that it intends to convene a forum for the relevant stakeholders to discuss issues arising from the application of the guidelines so that it can inform consideration of any future policy.

In relation to reimbursement for damage to local roads when removing timber following a bushfire, at its meeting on 10 May 2007 the MAV state council resolved that MAV seek assurance from the Victorian government that damage to council resulting from accelerated harvesting and haulage of bushfire-affected timber be compensated. The MAV has recently been advised by the Department of Treasury and Finance that the Victorian and commonwealth arrangements for natural disaster relief funding require a direct connection between the disaster and the damage and that therefore this is not eligible expenditure and falls outside the guidelines. Whilst MAV recognises the need for this timber to be harvested at the earliest opportunity, such actions should include a process for identification and repatriation of worn or damaged infrastructure.

In relation to communication between incident control centres and municipal emergency coordination centres (MECCs), it has been the general experience of councils involved in response to recent bushfires that the level, quality and timeliness of information between incident control centres and municipal emergency coordination centres vary according to the proximity of each function and/or proximity to the nearest DSE office. Consideration should be given to identifying opportunities to house both centres in close proximity or provide a representative of DSE as a liaison officer for each MECC.

The use of live teleconferencing is an area being explored in Latrobe City to overcome this issue to allow neighbouring municipalities to communicate live visually and audibly on a 24-hour basis.

In relation to procurement of resources, the scale of recent bushfires has meant the procurement of resources, particularly heavy plant and fuel, has become problematic for MECCs. In the case of the Tatong fire, the Wangaratta MECC arranged for the procurement of 75 pieces of plant and equipment. After the fires continued burning from that municipality into neighbouring municipalities, this plant remained registered at Wangaratta, and following the event Wangaratta council in good faith paid the operators and sought claim for reimbursement. Councils have several issues in relation to the procurement of resources. Although council contracts the resource, it

has little control over that resource once it is provided to the fire service. Another issue is the difficulty for MECCs to track resources when they are redeployed by the fire service into other municipalities.

Large fire events require procurement of resources from further afield and in multiple fire offences there is competition to procure these resources with little overall coordination. Councils do not possess the same level of equipment and plant as in the past and are not always in a position to provide it, as it may already be programmed to meet councils' other obligations under other legislation such as the Road Management Act. There is a need for better guidelines from the Department of Sustainability and Environment regarding their accounting requirements, such as invoices lodged by plant operators, to be accompanied by log books and other corroborative evidence of works performed.

The level of training and personal protective clothing of plant operators working in or around bushfires is not always identified when these resources are procured, and there is duplication and confusion between resources requested by incident control centres and MECCs as evidenced in ordering meals and accommodation.

MAV recommends that DSE investigate establishing contractual agreements with plant operators prior to the fire season. Such contracts can clearly stipulate the level of training and competencies required by the operators and clarify any accounting or record-keeping requirements.

In regard to the integrated fire planning, the implementation of an integrated fire management planning process will provide an opportunity to review Victoria's approach to managing fire across all land tenure. The local government sector has been a key stakeholder in the development of the framework and will retain the responsibility to produce municipal fire management plans for private land. DSE representation involvement within this planning framework is fundamental to ensure that the fire risk is managed equitably over both private and public land.

Lastly, in regard to recovery, local government plays a central role in community recovery. Some councils have suggested that DSE could play a greater role in the recovery of communities, particularly when working with the tourism industry. A number of tour operators were impacted by embargos to access areas impacted by fires, thus affecting the local economy. Another crucial need relates to DSE engaging in the community and decision making for the repatriation and retainment of fire access containment lines constructed along the interface.

In closing, MAV seeks the committee to support and initiate the following recommendations: DSE to convene a forum for the relevant stakeholders to discuss issues arising from the application of central water replacement guidelines to inform any consideration of similar future policy; DSE to develop a process for identification and repatriation of infrastructure worn or damaged by the accelerated harvest and haulage of fire damaged timber; fire services and Victoria Police work with the local government sector to identify processes to improve information flow between the MECCs and incident control centres; fire services, which is DSE and CFA, form direct contractual agreements with plant operators prior to the next fire season; and DSE play a greater role in planning for the recovery of communities impacted by wildfire on the interface between public and private land.

On behalf of MAV, I thank the Parliament of Victoria's Environment and Natural Resources Committee for the opportunity to present today. Thank you.

The CHAIR — Thank you very much for that, Mr Free. If I could ask questions first. In some of the submissions we have received we have heard that particular challenges for the future with climate change are in sea change, tree change areas where there is a build-up of population in what are otherwise bushfire-prone areas, and it may be that one of the best strategies we could look for is developing additional strategies of prevention. What role do you think councils have, particularly in the land use, land planning and zoning area, as well as engagement with community above and beyond what you have said in your submission about the recovery phase and local councils being very important partners and players in that area? I am wanting information from you at the start of the process about other extra things we can do to involve communities and prevent fires in the future.

Mr FREE — First of all, I am not a land use planner, so I cannot speak on the expertise in that area, but obviously one of the things we are looking at through the integrated fire planning process is to look at a strategic level at planning at the regional level, which is across municipalities, and that starts looking at demographics, growth corridors and some of the issues where there can be increasing risks. I think there are implications in regard to the legislation to do with the native vegetation frameworks which should actually assist in some of the issues we have got when people are trying to build up in heavily forested areas. I think the integrated fire planning process,

where all agencies are working closer and closer together with aligned goals in dealing with the community and some of the issues, will bring about efficiencies and better engagement with the community.

Ms LOBATO — Thanks very much for your presentation and your submission to the committee. You spoke about the DSE's involvement in the recovery process, and I was wondering if there were any other areas in regard to the recovery that you felt were inadequate or could be improved to assist the recovery process?

Mr FREE — I suppose if I take it from the councils' perspective, through MAV obviously, the issue with the roads has been quite a major one with infrastructure. It is about the timing of works being fixed, and as we can see with this rainfall event, which we are very pleased to have, that has really exacerbated a lot of the damage. I suppose it is about the timeliness that we get these works undertaken with and funding through the natural disaster relief arrangements. I think it is also providing us with an opportunity to understand that we are now facing larger fire events and that we need to start planning ahead of time and start to look at where exactly is this infrastructure and where does it need to be improved, so we are already on the front foot instead of waiting until the damage has occurred and trying to catch up on that.

Ms LOBATO — So it is mainly that issue that you were talking about with the roads and DSE's involvement in that?

Mr FREE — Yes, it is one of the players.

Ms DUNCAN — Did I hear you correctly when you said that you did not think council fire officers or councils should have a role in issuing permits for burn-offs on private land?

Mr FREE — Yes, we are questioning that, just because of the fact that they are not experts in fire per se, and they are issuing documentation, which is actually giving authorisation for people to light fires, and also because it is almost like a silo system where they are operating in a fire management environment separate from the fire services themselves. So although the fire services can be alerted to it, we are just questioning the efficiencies and the values of non-trained council staff undertaking that role.

Ms DUNCAN — So if someone is a fire protection officer and that might be roughly their title — —

Mr FREE — Fire prevention officer.

Ms DUNCAN — Fire prevention officer, yes, are you saying that they do not have much expertise in that area?

Mr FREE — Yes, most of their training is in relation to identifying the risks, so it is to do with things like building location, the vegetation around the building, the type of building — those types of factors — and where risk will be presented because vegetation is overgrown. It is not about the actual lighting of fires and how those fires should be managed once they are lit. So there are two distinct areas of expertise, I suppose.

Ms DUNCAN — You said there could be better community engagement with DSE in terms of working out fire prevention strategies and things. How do you say they could be improved?

Mr FREE — I think once again with these campaign events there is a lot of time to get involved and do things, but there is now a heightened awareness in the community, so I think that gives all the agencies a better opportunity to be able to provide information flow and help educate the community and ask them to assist in fire prevention in general as part of their role. I think once again it comes back to this pre-planning as opposed to waiting until events happen and then trying to get involved.

It is really looking at what are the issues before it. I particularly spoke about the tourist operators. It is about them being aware that if we have a situation, unlike floods, we cannot always say where a fire is going to be, but we can say, 'These are high-risk areas. These are some of the things that we need to be aware of', and hopefully they can put plans in place to work around some of those issues and minimise the impact.

Ms DUNCAN — A bit more anticipation?

Mr FREE — Yes.

Mr INGRAM — Norm, to follow up on your comments regarding the reimbursement for damaged local roads for timber harvesting after fire events, and there were a couple of examples of that in 2002–03 where the salvage operations took place, as I understand it, the current funding arrangements for timber go back to the TIREs and are established over a number of years through where the money goes to each council.

Mr FREE — Yes.

Mr INGRAM — Just as an expansion of your comments, I suppose, how would you have us resolve or recommend to resolve that problem?

Mr FREE — I think once again it becomes a bit of a planning issue where we are talking about identifying risks and looking at which roads are going to be the best suited to take heavier traffic. It is actually looking ahead and trying to build up the capacity of these roads to deal with some of the issues prior to the event, rather than waiting for the damage and then having to go in and repair them. There is already a system in place, as I referred to before, where there is a regionally-based group comprising VicRoads, the foresters and councils, where they look at roads and work on an ongoing, yearly funded basis. This is another issue which I do not think they have taken on board as much: looking at how these roads can be upgraded specifically for that harvesting — so which roads should be targeted and the works done on those?

Mr INGRAM — Your comment that the government refused to recognise that that expenditure had a direct relation to the emergency event, like the bushfire — and I am sure we will get a bit of the evidence from some of the local councils as we go out — can you just explain why you believe that that expenditure is directly related to the fire events?

Mr FREE — I suppose it is part of the recovery. It is the perspective that you look at it through. If it had not been for the fire event, then they would not have the problems with the roads. The problems with the roads have been exacerbated by the fire through this siltation and scouring and those other issues as well, so I think that MAV's view is that there is enough evidence to say that the fire has contributed substantially to this state of affairs and that therefore it should be considered.

Mrs FYFFE — Thank you for your submission. I think we all recognise the input that councils make during these emergencies, and it is appreciated. I would like to explore the matter where you talked about the communication between the incident control centres and the municipal emergency coordination centres. You talked about duplication and confusion, and I would like you to give us some examples and perhaps some suggestions about how we could overcome that. And also do you subscribe to the theory that there should be one person or one body in control of each of these fire areas, and do you feel, or does the MAV feel, that the incident control centres are too city-controlled?

Mr FREE — The experience that I personally had when I went out to visit some of the areas was that there were breakdowns in communication in relation to logistical situations. Meals were ordered through an ICC and then the MECC would get a similar message, so you would have double-ups on things. Given the size of the event, these things can happen quite easily.

I think they were compounded also by the IFAC arrangements — the Integrated Fire Agency Coordination Centre, I think they were — so that was another part of the structure that was put in as well that complicated things somewhat. What MAV has done is written to Mr Bruce Esplin, at the Office of the Emergency Services Commissioner, to actually raise some of these issues to do with the MECCs and the ICCs, resource procurement and some of these other issues, because what we are finding is that with multiple MECCs there are more complications in relation to communications issues. These campaign fires now involve numerous municipalities, so they have all got their own MECCs operating at the same time. Some of them might be reporting to certain ICCs and others to others, so I think it is more of a structural issue that needs to be looked at as far as communications go and clarity of role.

Some of the issues have arisen through the accommodation where a fire service has actually acted within its own incident control centre or the logistics had ordered the accommodation, but then somehow the message goes out to MECCs to order accommodation and they felt that they were doubling up in different areas there as well. If you would like more details or some specific examples, I could investigate that and provide that.

The CHAIR — If you could, I would appreciate that.

Mrs FYFFE — Thank you for that.

Mrs PETROVICH — Thank you very much for your presentation today, Mr Free, it is very good to hear from the MAV. From the MAV's perspective there are obviously some difficulties with control of resources at MECCs once they are provided to the fire services. How do current reimbursement arrangements work for local government; what has been the impact of the recent fires on council budgets; and does the MAV consider this to be further cost shifting to local government?

Mr FREE — I think it would be fair to say there is some ambiguity about the intent of the guidelines associated with resource procurement, and that has been interpreted differently by fire services, the police and councils. That is one of the reasons we are writing to Mr Esplin to start to look at a mechanism to actually explore some of these issues.

I think, as I said before, given some of the campaign fires, what we are talking about is the procurement on a huge scale of plant — so statewide resources. Some of the MECCs are actually ordering fuel from the north-east, trying to obtain fuel from Albury-Wodonga, which is outside their municipalities, but in good faith they are undertaking that procurement because they want everything to work well, which everyone does in these difficult times, but it starts to operate outside what the normal emergency management arrangements should be when they should go up to a divisional level and start looking at it from that level.

I think, as I said before, the time is right to actually explore that, and the emergency services commissioner is probably the most appropriate body to pull the players together and refine that, given that they are the ones the update emergency management manual in Victoria for the minister.

Mrs PETROVICH — On the point of cost shifting, can you expand on that? Obviously it was a huge operation in the recent fires. It has been my observation that there has been some delay in reimbursement for a lot of these issues and some conflict from that. Is this part of cost shifting to local councils?

Mr FREE — Personally I do not see it as cost shifting. I think it is lack of clarity of the arrangements and people doing things in good faith which cause complications later on. I am aware that some councils are having difficulties in regard to reimbursement, and that is probably one of our foremost issues, but at this stage I still have not got much information — so I can report back on the state of play and some of the issues relating to that.

Where councils such as Wangaratta ordered all that plant and paid for it, it was actually reimbursed through the Country Fire Authority for that component, but I think it is an issue, when we are talking about huge dollars, for councils to consider, and if we have a better system in place where everyone is clear from the outset, then I do not think councils will be in the same position that they have found themselves in at the moment.

Mr INGRAM — My understanding is most of those issues are in relation to wages. The reimbursement costs that are outstanding are probably wages of council staff?

Mr FREE — That is another one, yes. That is another one that is on the cards. I tried to be specific in relation to the resourcing as far as plant and machinery and those types of things are concerned. Wages are another issue where councils in the past have not had to operate 24/7 services for such long durations in time, and once again I think they have done things in good faith as well. But the relief arrangements specifically relate to time-keeping costs for backfilling of positions. What councils have done in the general sense is that their staff have stepped up to the plate for the emergency work and everything has built up behind them, and they have gone back in and done it.

That has got major ramifications when you are talking about councils that have been through a drought, as many of you know. Now we have got Gippsland having to go into floods, so it is a huge impost on them, and what we have done is, we have been able with support through Department of Human Services and MAV, to get staff from other councils to support in some of these — environmental health officers, for instance — specialist roles, but it is a huge impost and it does build up over time.

Mrs PETROVICH — Have you got details of the sort of expenditure that Wangaratta city council would have made over that period of time?

Mr FREE — I have not got them on me personally, but I can look into some of those costing issues. Some have actually costed in the wages that basically are not going to be accounted for under the current arrangements anyway, which could give you an indication of some of the costs involved.

The CHAIR — If you could provide that, it would be appreciated.

Mr WALSH — Mr Free, can we go back to the second half of Mrs Fyffe's question; I do not think you addressed that. It was about the issue of the multitude of agencies that are involved. We have heard from the agencies saying they are working better than ever together — —

Mr FREE — Yes.

Mr WALSH — But we have also heard from other people who have provided submissions that say we would actually be better with one agency that manages fires in Victoria. Does the MAV have a position on whether we should have one agency rather than the multitude of agencies we have now, and would that improve the communication issues that you talked about?

Mr FREE — I think if you have one agency, then it will make things a lot simpler than having to deal with different agencies and different mechanisms. So I would agree with the principle or the concept of that just for the fact that it does reduce a lot of communication issues.

Mr WALSH — Thank you.

The CHAIR — Thank you very much, Mr Free, for your presentation and we thank the Municipal Association of Victoria as well for its submission. You will receive a transcript of the hearing. You indicated that you would provide some additional information to the committee, so we would appreciate that when you can.

Mr FREE — Thank you.

Witness withdrew.