

TRANSCRIPT

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Inquiry into fire season preparedness

Melbourne— 28 February 2017

Members

Mr David Davis — Chair

Ms Harriet Shing — Deputy Chair

Ms Melina Bath

Mr Richard Dalla-Riva

Ms Samantha Dunn

Mr Khalil Eideh

Mr Cesar Melhem

Mr Daniel Young

Participating Members

Mr Greg Barber

Mr Jeff Bourman

Ms Colleen Hartland

Mr James Purcell

Mr Simon Ramsay

Ms Jaclyn Symes

Witnesses

Mr Damian Crock (sworn),

Dr Sali Bache (affirmed),

Ms Narelle Campbell (sworn),

Mr Max Parsons (affirmed), and

Mr Neil Marshall (sworn), Nillumbik Pro-Active Landowners.

The CHAIR — Can I indicate that we are still in our inquiry into bushfire preparedness. We welcome the Nillumbik PALs to the table, noting that evidence given here is given under privilege but outside it is not the case.

There is obviously an update on these matters. We had evidence from the Shire of Nillumbik earlier this afternoon, so that has been helpful. We are going to try and be succinct and try and do this in half an hour. Mr Crock, if you could give us a very short and succinct summary of where we are now. We have already had evidence, and I understand that a further submission will come. Equally there are some developments that I think probably need to be relayed, but succinctly.

Mr CROCK — Yes. Thank you, Chair. Just before we start, quickly we would like to thank the inquiry once again for having the Nillumbik PALs in. There are a couple of things I would quickly like to deal with administratively. We have sent through a supplementary submission, but on page 9 there is in fact an error at the head of it. It appears to attribute a quote to the Minister for Planning that should in fact be a quote attributable to Christopher Wren, QC, from his executive summary of the investigation into C101's abandonment. That will be corrected and sent through as a correction.

The other is a substitution on page 12, under 'Nillumbik PALs additional recommendations', which I will in fact read into the transcript if I could. That entire paragraph at the end of page 12 is to be replaced with the following:

In addition and in recognition that the 10/30 rule does not effectively provide any genuine protection to landowners, residents and their visitors when faced with a fire emergency, PALs call on the government to appropriately extend the 10/30 rule with a more science-based reference to 'safe distance' for human survival in the case of fire. CFA *Neighbourhood Safer Place — Bushfire Place of Last Resort Assessment Guideline June 2016* indicates that safe distances from the perimeter of a fire in the open air or inside a building are far greater than the 10/30 rule allows. Accordingly, in specifying the BMO exemptions above, it is recommended that new distances be specified within which landowners can clear native vegetation as of right.

So with those two administrative matters dealt with, just to give you a very quick update. We were in attendance when the Shire of Nillumbik representatives were here. You would be aware that C101 was abandoned and that led to an investigation by Christopher Wren, QC — we have included the executive summary in the notes for you — but there are a couple of important recommendations that came out of that, and in fact Max Parsons will be dealing with one of them and the link between the recommendation to look at the offset scheme of Nillumbik and the native vegetation clearing regulation review. One thing that was identified was the flawed consultation that went on in relation to the formulation of C101 and also C81, and Dr Sali Bache will be dealing with that.

What we thought we would do is we would also provide you with our evidence on our own review of the native vegetation clearing regulations essentially to explain to you that C81 and C101 are local variants — so local laws that sought to deal with a lot of native vegetation clearing regulation at a local level. We were set up specifically to do away with those two planning amendments, and when we were just about done we came across the native vegetation clearing regulation review in mid-December, to our dismay. So we will in fact be able to give you an indication.

The CHAIR — So this is a state government Victoria-wide proposed planning amendment?

Mr CROCK — No, Chair. It actually exists as a set of regulations and this is a review that is going on. The initial deadline was 5 February for submissions to be made. That was extended to 8 March after some extensive lobbying by the Victorian Farmers Federation, we understand, and other groups, saying that given fire season preparation activities and other farming requirements they simply could not get a document to submit to a review of regulation. So the government did react to that and extended the deadline by a month, which we think has been extremely helpful because of what has gone on in the interim.

Narelle Campbell is going to kick off this afternoon to really deal with the challenge that exists at a policy level when regulation and legislation is being formulated and the challenge to marry up fire season preparedness with a whole suite of legislative reforms. As I have said, Max will be talking about the offset scheme and the link between the local challenges we had and the native vegetation clearing regulation, Dr Sali Bache on the public consultation aspect, I will be going through our recommendations to the inquiry and then Neil Marshall will give you an update on the CFA implications.

Ms SHING — Just before you do go on, as a general question — touch wood, we are nearly at the end of the summer season, though it only changes as far as the calendar date is concerned; the risk is still there — how has this summer season actually played out on the ground for you in the context of what you are here to discuss? You could just weave that into what you are talking about. It is important not just to get the regulatory framework on the table as part of what you are bringing to this committee and inquiry but also what your experience has been in your own particular areas.

Mr MARSHALL — Touch wood, because the season has not quite finished as yet and they are predicting, unfortunately, a drier than normal and hotter than normal autumn, but so far we have been fortunate. There have not been any major fires. I think the most fortunate thing is that the Bureau of Meteorology have got it wrong a couple of times when they have predicted dire circumstances with regard to weather.

Ms SHING — I think they have revised their modelling, yes.

Mr MARSHALL — Yes. So it has not been quite as bad. I have been in the incident control centre, I think, four days already this year and been on standby a couple of days as well, but it has been nice and quiet. We are basically doing planning, getting ready just in case something happens. But, yes, so far quiet.

Mr PARSONS — We have been most fortunate I think this year. I would describe the summer season as a very benign season. We have had very few days over 35, very few total fire bans and certainly no days that we would regard out our ways as a really serious fire risk. There were a couple that they thought might get there, but the days fizzed — and I am real happy about that. We are very pleased that we can get through a summer with no issues. It does not decrease the potential for issues, but we are very happy with things.

Mr CROCK — Our family plan is leave and leave early, and we have done it once this fire season.

Dr BACHE — This is my first year down here. We come from a flood-prone area not a fire-prone area, so it is a different issue.

Ms SHING — Entirely different set of challenges around emergency management.

Dr BACHE — Absolutely. When we moved down here we said we would leave early and we would not stay around. So we have cleared out on a couple of days that we have heard that there were potential issues. We have just simply been clearing the property up to that point of burgan mainly, because we came down and heard about this thing called burgan and that it would potentially not be allowed to be cleared in the future. So that is really all our preparation was.

Ms CAMPBELL — I just need to declare that I am employed by the Victorian public service and I am here today in my private capacity, having taken annual leave yet again. Our season has actually been quite stressful this season. There is lots of feed on the ground still, which is unusual for this time of year. Our property is one of many properties in rural Nillumbik that is under a lot size of 20 acres, so when our house burns down one day, we will have to fight for the right to rebuild it. That means that the preparation we put into fire seasons is reasonably significant and the risk to us is reasonably high, because leave and leave early is something that we actually have to toss up on the day.

Ms SHING — Thank you very much.

Mr CROCK — Narelle was going to kick off.

Ms CAMPBELL — Which is why how the law protects us for bushfire preparedness is actually really important to me and my family. We have become local experts about the Victoria planning provisions out in rural Nillumbik of late.

Land use regulation in Victoria is administered through the Victoria planning provisions, which are guided by the lead legislation, which is the Planning and Environment Act 1987. That act does not recognise the primacy of human life; it just does not consider it at all. It also does not recognise or prioritise the protection of human life or property, which means that the legislation, regulation and rules at both the state and local level just do not consider it to be important. And when you consider that a lot of cases in Nillumbik go to VCAT, VCAT does not have to consider our case based on whether it is dangerous for us. All they need to consider is whether it

complies with the Planning and Environment Act, and from a bushfire preparedness perspective, for us that is actually less than ideal.

The Victoria planning provisions negatively impact on bushfire preparedness in rural Nillumbik and really across peri-urban Victoria. It is administratively complex, it is expensive and it is burdensome, and the requirements on landowners for routine management and maintenance activities on land are increasingly being the subject of regulation, which cost lots of money. It includes the same regulation on land that is covered by bushfire management overlay, and again our property is covered by a bushfire management overlay.

The emergency management system in Victoria is not covered by that legislation — it is covered by the Emergency Management Act 2013 — and the Country Fire Authority was established under the Country Fire Authority Act 1958. Both of those pieces of legislation and both of those organisations are actually required to protect life and property — that is their job. And part of that is that they are required to act pre-emptively — now for me that means preparing for bushfires, because that is the emergency that we are likely to get out our way — and they are required to act pre-emptively to reduce the likelihood of those events occurring in the first instance.

The Victoria planning provisions are not required to be endorsed by either the Country Fire Authority or Emergency Management Victoria, and I find it almost unintelligible that the referral authorities there that are — —

The CHAIR — So to be clear, you would not have every one of them in that purview? There are many that are in the central city or something like that. I am trying to understand this. You would argue — —

Ms CAMPBELL — You do not have any bushfires in the CBD, but in — —

The CHAIR — You understand what I am saying? In other areas of the state I think — —

Ms CAMPBELL — Yes, outside of the urban growth boundary bushfires are our major risk. So when you are talking about property regulations that actually impact on my ability to prepare my land for bushfire, it is really odd to me that the CFA — —

The CHAIR — There is not recognition of that.

Ms CAMPBELL — None. They are a referral authority, but that is not the same thing. It is not the same thing at all. They are asked for input but they are not required to provide specific advice, and yet they have a legal obligation to proactively act to reduce the likelihood of bushfire.

Ms SHING — And in fact it is happening with the relationships that exist on the ground as far as the evidence that we got from the council was concerned, where captains and in fact teams are very engaged with the local community because they come from the local community.

Ms CAMPBELL — Yes, that is right.

Ms SHING — But that piece is missing at the other end of the spectrum. Is that fair?

Ms CAMPBELL — That is pretty much it, and really that would be my comment out of all of this. On the ground communication tends to work reasonably well, but at the end of the day when we end up in VCAT asking to cut down a tree so that it does not fall on our house, you would kind of like to think that the law would protect us and serve our interests. I guess that is all I have got to say, so thanks.

The CHAIR — So has PALs submitted to the native vegetation review process?

Mr CROCK — We have currently got an extensive submission which is still in draft form, but it is some 40 pages which we are circulating around the state to other like-minded parties so that the maximum focus can be drawn to what we see as the major deficiencies and challenges.

Mr PARSONS — I know time is short so I will try to be as brief as I can. My main concern is the relationship between the native clearing regulations that are proposed and that interlinking with C81 and C101 that has happened at council. They are covering the same areas in the same material and they are attempting to

be dealt with in the same way. We know that Minister Wynne, in his rejection of C81, used words like ‘inadequate application’, ‘duplications’, ‘contradictions’ and ‘inconsistencies’. That is pretty strong language.

We know from the C101 investigation that Christopher Wren, QC, made a comment that suggested that the council should review their vegetation offset program in relation and context to the program’s transparency and accountability. The reason that I talk about those in the way that I am doing is taking you to a link with the vegetation removal, of which a fundamental component is the offset scheme. So if the offset scheme works the way those regulations intend it to work, it will place impositions right across every landowner through our shire and actually right across the state.

Putting those impositions onto landowners to restrict and control what they can do with vegetation has a clear and direct link to fire preparedness. That is the link we are trying to demonstrate to you, and we believe that is an important link. I will cut myself short. The issue here, we believe, is the disproportionate input and control that planners have over this process.

It is a situation of fire preparedness where the control ought to rest with the CFA and fire authorities. It should not rest with a planner who makes an arbitrary decision to lock up land or forbid land to be cleared or maintained, to forbid roadside maintenance in any form for their own arbitrary reasons that are directly linked to the environmental aspects in their own environmental departments. We believe the CFA should be in control of these. I said in our first submission that the CFA should be controlling these and the overt influence that planners have over this process is only exacerbated by these clearing regulations, which are going to place a whole new realm of control and restriction over the entire state, not just Nillumbik.

The local manifestations of those clearing regulations are C81 and C101. We were able to successfully get those rejected or abandoned, and we need to see that sort of approach taken to the state. What we are saying is: take planners out of the equation and review the whole process and put in realistic applications and requirements, but with a view to fire maintenance, fire minimisation and fire preparedness.

Ms BATH — Max, last time also I think you mentioned the lack of uniformity between councils: that there can be X planner, and in the next there can be Y planner, and they can do different interpretations of different regulations.

Mr PARSONS — Yes, that is correct. A lot of this does depend on the planner who happens to pick up the case, but in terms of the applications that the CFA have now given up making to Nillumbik council, as an example, where they have applied to do roadside maintenance, controlled burns, cool burns and that sort of thing, they have been continually and consistently refused by the planners. So in that regard the planners are very consistent. In terms of individual applications and individual circumstances they can vary tremendously, but they are sitting under the control of the head planner, and the head planners have these agendas that are not consistent with fire safety and fire preparedness.

Mr CROCK — By way of introduction to Dr Sali Bache’s evidence this afternoon, one of the findings of Christopher Wren in his report about the formulation of C101 was that the public consultation that occurred in respect of amendment C101 prior to its formal exhibition was conducted largely in house and in consultation with a small number of stakeholders. So we had concerns about the public consultation process in relation to that and then when we became aware of the native vegetation clearing regulation review, we looked also at the consultation that went on there. Dr Bache will talk about that.

Dr BACHE — In regard to native vegetation clearing, effectively how I see it is that we are looking at conservation imperatives and we are looking at them against human rights in a fire context for us in Nillumbik. They have much broader implications in a wider setting of course in native vegetation clearing regulations, but for our context as landowners in a fire-prone area, that is how we view them.

The regulations are not endangered species protection regulations. The Flora and Fauna Guarantee Act is going through its own separate review. It is a whole different process. These are primarily vegetation clearing and habitat regulations. I think there is some level of confusion between the two from some people who are suggesting that looking at the issue of fire preparedness and vegetation clearing from that aspect will have an impact on endangered species. They are regulated elsewhere and are protected under another regime.

The other thing the native vegetation clearing regulations do not do — and it relates to questions that I have heard you ask of us and of the council about cool burns — is they do not look at the pyro-diversity of a landscape. Pyro-diversity links in with what sort of fire regime certain plants and animals will respond to, and to simply say, ‘No burning’ or, ‘We’ll wait until the next catastrophic event occurs’ can actually be long-term detrimental to the very things that they are attempting to protect.

Ms SHING — That has certainly been Mr David Packham’s evidence to this particular committee, along with other witnesses, yes.

Dr BACHE — There is a lot of work that has been done on it. Southern Queensland have done quite a lot because they do a lot of cool burns. I think that is something that, if you are looking at regulating vegetation in Victoria, you need to look at what you are actually trying to achieve and make sure your regulation achieves your end-point goal. At the moment it seems to be putting us in danger but not necessarily protecting the environment they are attempting to protect.

Looking back into the issue of community engagement both in terms of C81, in terms of C101 and in terms of native vegetation clearing regulations, we spoke last time about how dismayed PALs has been about the lack of broad consultation. A lot of the time it seems that the only actively sought opinions are those of sympathetic individuals or groups that have the same world view as the regulating agency has, and that is not really community engagement or consultation; that is getting supporting evidence for something that you already want to achieve.

It is not like this across all Victorian agencies. As a new Victorian I had wondered if that was the case. I have been involved with the review of the animal welfare legislation, and they have consulted broadly across industry groups from pest control, shooters, horse racing, greyhound racing. They have had all of the animal welfare groups in. They have had all the councils in on two separate occasions, so there is a broad review process that does happen. It just has not happened with native vegetation clearing regulations, and it has not happened in Nillumbik shire.

Ms SHING — When you say ‘they’ve had’, who do you mean? As in, ‘They’ve had all of these groups in to talk about various things’.

Dr BACHE — So under the animal welfare — —

Ms SHING — That is fine. Sorry, just to clarify that for the evidence that we will look at later on in the transcript.

Dr BACHE — Yes, animal welfare. So obviously some aspects of the Victorian government do consult widely and genuinely, trying to gather various opinions of information before they create their legislation. It just does not seem to have happened with native vegetation.

Ms SHING — Thank you for clarifying that.

Dr BACHE — One of our main concerns about that sort of thing is that you are not getting buy-in by the landowners of the regulations and you are not getting the people who are the actual stewards of the land having any input into the land that they are wanting and meant to manage. Damian referred to the report by Christopher Wren, QC, and he was absolutely damning of the lack of consultation that had happened in Nillumbik and by the council officers that were governing C101 and, by extrapolation, C81, and it is the same process that we are seeing in state government.

Our addendum submission has all the details and copies of those elements, and Damian quoted one of them earlier to you. So we will provide all of that in writing as well.

Mr CROCK — Along the way, while we were looking at the Wren report and seeing that there was this identified flaw in the consultation process, we actually made contact with a number of people around the state who had been attending consultation sessions — stakeholder sessions — in relation to the review of the native vegetation permitted clearing regulations. We have included in our written submission the case study of a Neville Perry from up around the goldfields — you are probably familiar with him — with the requirement from the Department of Environment, Land, Water and Planning that he remove 60 trees or alternatively pay an offset of \$1.25 million, which he found to be pretty alarming. Apparently it was then potentially put to him that

he could lock up the entire 10 hectares of his goldmine and not conduct any mining but effectively lock the 10 hectares up for nature, and by extrapolation that would require an offset of about \$12 million.

He then reconsidered his business plan to a degree and thought, 'Well, \$4.5 million worth of gold; \$12.5 million worth of trees'. He was referred to the BushBroker system to potentially land the windfall and disappointingly found that the assessment valued the trees, in that context, at \$80 000. He attended some of these sessions in Bendigo, I understand, did a straw poll and found most of the people there were from environmental groups. He actually has described these workshops as green workshops, as opposed to full stakeholder consultation. When he went to ascertain how people had got to be there he found that they were personally invited by DELWP, which he found somewhat troubling. So we have got that full case study in our presentation.

Before moving on to our recommendations, which we think might be helpful, Neil was going to give you an update on the CFA and what we are calling the perfect storm potentially.

Mr MARSHALL — I am concerned with the native vegetation guidelines and potential increase of vegetation in Nillumbik. Can I also say, before I go any further, that there has already been in the press a comment by EMV — by Craig Lapsley's department — that the amount of vegetation in the area burnt in 2009 is now greater than it was before that fire, so that is a worry. The second worry is with the guidelines — that the private individuals, the private landowners in the area will be afraid of doing any fire prevention on their own properties because they are going to get chased up by the planning department.

Ms SHING — Fire prevention or fuel reduction?

Mr MARSHALL — Fuel reduction. Yes, fuel reduction.

Ms SHING — That was just to clarify that.

Mr MARSHALL — That is one concern — that you are going to have increased vegetation. The other concern is we are getting very strong rumours that the government in trying to resolve the current CFA EBA from the UFU is looking at splitting the CFA into two areas, both urban and rural — well, structural and rural — and that the structural fire stations will be similar to MFB and will have no volunteers. Now, I know volunteers who are both volunteers and they are permanent staff of the CFA at the same time, so I get feedback from these people and I am getting a lot of comments about what they are hearing from the union. It is a big concern, because I am sure this committee has heard from the VFBV, the volunteer association, about the surge capacity of that outer metropolitan area. The big concern is that the green wedge area is the outer metropolitan area, and if the volunteers start disappearing from that area, then you are not going to have the capacity to fight the bushfires.

Having been a senior person in the Country Fire Authority in the past, and also I was acting director of fire and emergency services in 1988 for three months in the days when Steve Crabb was the minister, I am aware of what the ramifications are as regards budgeting for fire services. I know for a fact that fire services cannot afford to have larger numbers of permanent staff and at the same time try to keep the rural brigades going, because the rural brigades, even though they are volunteer, do cost money. Keeping the trucks running — the fuel and the maintenance of the trucks — and keeping the fire station itself going all costs money, and somewhere that money runs out. So the big concern is, if the volunteers disappear, that you are not going to have the surge capacity to fight these bushfires, because the permanent staff are not trained to fight bush and grassfires; they are trained to fight structural fires such as the fire that was out north of the city this morning.

Mr DALLA-RIVA — Can I ask, just listening to the evidence — I am reading all of the case studies, and obviously this is a concern I have had for many years in this gig — legislators develop legislation, and then the guidelines come over via the bureaucracy, no offence.

Ms CAMPBELL — None taken.

Ms SHING — You are on leave, you are not allowed to.

Mr DALLA-RIVA — The guidelines do not necessarily align with the government policy or with the consideration of the intent of what the legislation is. Now, people might say that is not correct, but do you think that is an example where the guidelines have extended well beyond what you think the legislation had intended? Do you want to give some comment on that?

Mr PARSONS — I believe that is right, because in my view the formulation of the regulations follows a different pathway to what perhaps the legislation says. The regulations go right down to extremely fine detail, and they establish a framework which is informed by a green approach to vegetation preservation. It is not done with any consultation with landowners and affected parties. It is almost an abstract. It is a separate process set aside from perhaps what the legislation intended. It follows a specific agenda that we do not believe is appropriate.

Mr DALLA-RIVA — You have got two people here that are on the Scrutiny of Acts and Regulations Committee, and I am a former chair, so it was my concern. Even drilling down not just to the regulations and the development process of that, that is only the extreme. There is a whole range where regulations can be made, and I am even talking about the further extent, which is the guidelines which are not even part of any process and it is just an internal document created by the department.

Mr PARSONS — So it is an intradepartment-type process of guidelines.

Mr DALLA-RIVA — Well, you have got the act, the regulations and then the guidelines.

The CHAIR — Whether circulated or not.

Ms CAMPBELL — I sometimes think that it is a product of departments evolving in silos over time and not talking to each other really closely. The legislation is designed, developed and implemented for a particular purpose, and it is the law, but who would think a law would not include safety when we are talking about land use? But then again, it was never designed to.

Ms SHING — That is right. ‘What was the primary purpose’ is the question to be asking.

Ms CAMPBELL — Yes.

The CHAIR — They are very broad objectives already.

Ms SHING — Yes, that is right.

Ms CAMPBELL — So over time things change and bureaucracies evolve. We are a really complex society now, and I think some bureaucrats think that they have evolved beyond the scope of what the law’s intent possibly was in the first place. So who knows.

Mr DALLA-RIVA — We come and go. Politicians and governments come and go.

Ms CAMPBELL — Yes.

Mr PARSONS — If the formulation of guidelines was to reflect the view of the people affected as a primary objective, then they are going to better reflect the whole range of issues that are going to be palatable or even actually encouraged by the local community. So those guidelines need to reflect what the communities have to say, which then feeds back up into the regulations, which feeds back into the legislation.

Mr CROCK — There is a fundamental tension between environmental protection and the protection of human life, and it is about trying to find the balance there, and if the landowners and those affected are excluded — —

The CHAIR — There are points of commonality too. There are points of commonality, and they are not often sought.

Mr CROCK — Yes.

Dr BACHE — The introduction to the Victorian state planning policy framework talks about the concept of balancing conflicting objectives in favour of net community benefit, sustainable use and development of the land. Now, that is what is there in the policy framework, so I guess one could question whether that is what is being achieved.

Mr RAMSAY — Thank you. I just have a couple of questions. I note the Victorian Farmers Federation has come out quite strongly condemning the current act itself. It is very complex, complicated and hard to calculate

the types of vegetation to be preserved as an offset, and the constituent you talked about actually came to my office in Ballarat and we went out and had a look. And you were right; I think the quote for an offset was somewhere around over \$2 million for the removal of 60 trees or something. It was just right out of the ballpark. So my understanding is that the government is seeking a shift of native vegetation laws to include climate change. So I guess I flag that with you to be careful where that might go, because once they mention climate change it brings in a whole lot of other factors.

Ms CAMPBELL — But the climate change council — —

Ms SHING — We will come back to you.

Mr RAMSAY — I think we all agree, and councils need to be very proactive in putting in submissions in this process to advise the government of your specific concerns, as do landholders, which I understand the VFF and others are doing. But I was interested to know how it interacts with the bushfire management overlay. It almost seems to be in conflict with the current legislation, and Richard is right that there are regulations and there are guidelines. But the act itself is in total conflict with the bushfire mitigation overlays, or the management overlays. I am just wondering how you deal with that as property owners. Are you principally property owners, all of you?

Dr BACHE — One very interesting point is, if you look at the proposed native vegetation clearing regulations, they actually take all reference to bushfire out.

Ms CAMPBELL — They do. By design.

Dr BACHE — That is one of the major changes that they have done.

Ms CAMPBELL — And they do that by design. So we are not going to mention people, and now we are not going to mention bushfires either.

Mr CROCK — And whether it is through this inquiry or some other mechanism, what we are wanting as landowners representing a large number of people in the most bushfire-prone zone on earth is any land that is subject to a bushfire management overlay to be excluded from the application of the native vegetation permitted clearing regulations, absolutely. So that is quite unambiguous, and we think that would be a really effective means of protecting people in fire-prone zones.

Mr RAMSAY — Have you put a submission in on that basis? That is part of it.

Mr CROCK — It is before this inquiry, and it is also — —

Mr RAMSAY — No, for the government's review.

Mr CROCK — It is going in by 8 March. The deadline is 8 March, but that is definitely what is going on. So it is contained within our submission today. We encourage the inquiry to look at that and going into the — —

Ms CAMPBELL — The guidelines already exclude all public landholders, so for them to exclude all private landholdings in a bushfire management overly area is not an unreasonable request, really, given the risk to people living in that area.

I have got to say, as a person not as a landowner, how ridiculous is it that we actually have to be here saying that kind of stuff? But it is where we are.

Dr BACHE — I think your point on climate change is interesting, because they seem to be attempting to include and anticipate issues of climate change except for increased bushfire risk, which is one of the main impacts of climate change. You have to consider both if you want to consider one. You cannot say we are going to pick this impact of climate change and we are going to try and legislate to —

The CHAIR — Only the ones that suit us.

Dr BACHE — reduce the impacts. But you people have to put up with that. You have to do it all or it is an unbalanced legislative scheme.

Ms SHING — That is indeed one of the terms of reference for this particular inquiry in the context of the frameworks and the extent to which they are suitable or not in managing the risk of bushfire from that risk management approach.

Ms CAMPBELL — And the climate change council's January report on that.

Mr RAMSAY — The problem is the shift from no net loss to net gain, and the government is looking at significant net gain but not paying any compensation for landholders to provide it. That is why the extreme high value offset is required under the act. That is my view. I am not sure if that is your view.

Mr PARSONS — The net gain situation is entrenched within the offset system and the way it is all calculated. My personal view is that I do not believe that net gain ought be there at all. I am most happy to talk about no net loss, which is a very valid thing to talk about, but net gain is very punitive and it places completely unreasonable demands, both money and land wise, onto landowners.

Mr RAMSAY — And increases fire risk.

Ms CAMPBELL — Yes, it certainly does.

The CHAIR — Can I draw this to a close and again thank PALs for the useful information you have put before us. It has been fabulous. I am glad you have had success with C101 and C81. We will look forward to the submission that incorporates in full some of the material that you are putting forward to the native vegetation review. I think there are some very useful lessons for us statewide.

Mr CROCK — We would like to thank the inquiry again for having us in, and we would just like to refer you to page 12 of our written submission with our suggested recommendations.

Ms SHING — As amended. Thank you very much.

Committee adjourned.