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Your Details

Email address:
Phone:
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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? Planning Institute of Australia

Your Submission

In your experience, what areas of the bushfire emergency response worked well?
See attached pdf
In your experience, what areas of the bushfire emergency response didn't work well?
see attached pdf
In your experience, what needs to change to improve arrangements for preparation, mitigation, response and recovery coordination for national natural disaster arrangements in Australia?
see attached pdf
Is there anything else you would like to tell the Royal Commission?
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Do you agree to your submission being published? Yes I agree to my submission being published in my name
Supporting material provided:
20200410 PIA Bushfire RC Submission FINAL.pdf



20 April 2020

Air Chief Marshal Mark Donald Binskin AC (Retd)
 Chair of the Commission
 The Royal Commission into National Natural Disaster Arrangements
 Via email: rcnda.enquiries@royalcommission.gov.au

Chair,

PIA Submission to the Royal Commission into National Natural Disaster Arrangements (Black Summer Bushfires)

The Planning Institute of Australia (PIA) is the national body representing planning and the planning profession. We engage with over 10,000 practitioners each year through events, education and training and represent over 5,600 members.

Planners have an acute interest in strengthening the nation's resilience to natural hazards – especially bushfire. It is a fundamental objective of all Australian planning systems to plan for human safety and improved resilience to hazards.

PIA supports a cultural shift to embed bushfire (and natural hazard risk management generally) in every layer of strategic planning policy and guidance - so that it becomes 'business as usual'. PIA's key messages are that:

- Planners should shape what is meant by 'build back better'.
- Planning for risk avoidance is a valid planning strategy.
- Strategic planning for bushfire protection should be to be given stronger effect – by:
 - integration of climate and disaster resilience into planning decisions;
 - strengthening the statutory basis for implementation of bushfire planning guidelines;
 - ensuring all values considered - including biodiversity.
- Role for a National Settlement Strategy as coherent basis for national coordination.
- Planning to better enable communities to lead adaption and management.
- Role for indigenous communities and an expression of their knowledge.

PIA has already influenced Commonwealth directions by preparing the Commonwealth's [National Land Use Planning Guidelines for Disaster Resilient Communities](#) as well as contributing to the AIDR handbook series. Through this work PIA has sought to:

- Assert land use planning as a key function of natural hazard management in building resilience to disasters; and
- Refocus the role of planning to one of leading settlement adaptation for resilience.

Planning can achieve this because it operates levers which influence the spatial distribution of land uses and the nature of proposed development by controlling:

- the spatial location of land uses in different settings - via strategic planning and zoning;
- the form of development via development controls;
- the appraisal of proposed development / activity – via approval (or refusal) and conditions for construction and operation (these include building standards and access arrangements in fire prone areas);
- enforcement of conditions - and potentially plans of management; and
- enabling community engagement and buy-in to land use and development decisions.

The role of planning is underpinned by an acknowledgement that global heating and climate change are increasing bushfire hazard. PIA has adopted policies on [Planning in a Changing Climate](#) that recognise the need for urgent and deep reductions in greenhouse gas emissions and the need for complementary mitigation and adaptation strategies for reducing and managing the risks presented by climate change.

PIA also have highlighted the [megatrends](#) shaping our national future (including climate and natural hazards) and advocated for a [National Settlement Strategy](#) to provide a long term decision making framework for the distribution of growth and supporting infrastructure that promotes environmental and societal resilience.

Our submission is attached. It focusses on a subset of the [terms of reference](#) promoting resilience with respect to '(f) (iii) *land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;*' as well as issues regarding *nationally consistent standards* (b) and *Indigenous fire management* (g).

Please do not hesitate to contact [REDACTED] if you would like further information. PIA would appreciate an opportunity to appear before the Commission.

Yours sincerely

[REDACTED]

David Williams
Chief Executive Officer
Planning Institute of Australia

PIA Submission to Royal Commission into Black Summer Bushfires

1. PLANNING TO 'BUILD BACK BETTER' (ToR f(iii))

PIA is concerned that rapid rebuilding is being branded 'building back better'. While rapid recovery is highly desirable it must result in a more resilient community¹ which is housed in settings and structures that respond to the evolving bushfire threat.

The concept of 'build back better' is based on UNISDR work supporting the UN Sendai Framework for Disaster Reduction 2015-30. It is understood to be *'The use of the recovery, rehabilitation and reconstruction phases after a disaster to increase resilience...through integrating disaster risk reduction measures into the restoration of physical infrastructure and societal systems, and into the revitalization of livelihoods, economies, and the environment'* (UNISDR 2017¹). 'Building back better' should mean that resilience to future hazards is improved for housing, property, infrastructure and communities.

This is carried through to the NSW State Emergency and Rescue Management Act and other state based legislation, where definitions of disaster recovery include restoration and enhancement, and consider the full social, economic, environmental and cultural wellbeing of communities, not just rebuilding structures.

Under this definition, rebuilding burnt homes in the same place with higher building standards (eg bushfire attack level) is not automatically 'building back better'². It requires a more holistic consideration of how defensible a home is in relation to its access, location and setting and the resilience of its supporting infrastructure (including community infrastructure).

A useful test would be if rebuilding results in a situation that is more resilient to future shocks; is safer - and does not compromise the safety or wellbeing of others; and does not lead to unacceptable damage to the environment. The planning dimensions of 'building back better' include:

- **Ensuring planning controls are fit for purpose – for this recovery and for future events**
 - They should avoid rebuilding in inappropriate settings - based on community wide master-planning.
 - Ensure development assessment / permits consider criteria on the suitability of the site for the development...particularly considering the risk of natural hazards, safety of emergency management personnel and the economic and social resilience and wellbeing of the wider community.
 - Ensure that hazard reduction around immediate property and around communities are simple, efficient and effective and can be maintained in perpetuity by communities with limited resources - but ensure that property owners can make reasonable modification to the bushfire hazard on their land to enhance the resilience of structures to bushfire.

¹ With regard to insurance, risk/potential cost for local, state and federal government, business continuity, for individuals and all aspects of what makes a community resilient.

² It is acknowledged that if there are multiple reductions in BAL across a settlement then in the aggregate a community would be better protected.

- Ensure a community approach is taken wherever possible - and ensure that active bushfire management committees run by Councils, RFS and other agencies are resourced and accountable for decision making and proactive management of risk.
- **Enabling housing to rebuild rapidly where appropriate**
 - Proportionate development pathways for rapid rebuild in suitable areas.
 - Rapid advice on changing bushfire attack levels (and broader site risk assessment).
 - Adequacy and resourcing of a rapid referrals process (via fire services).
 - Early consideration of whether complying development codes can be used to approve development on property with a high bushfire hazard.
 - Compliance and enforcement / incentives for bushfire management consent conditions.
 - Ensure compliance mechanisms are fit for purpose to manage the ongoing risk from bushfire to communities, recognising that bushfire is highly dependent on on-going landowner actions through the life of a development.
 - Development of guidance for rebuilding, landscaping and hazard management, with real life examples, to assist residents and authorities in decision making for rebuilding.
- **Building back better infrastructure**
 - Physical infrastructure affected by fire should be re-evaluated before being rebuilt like for like.
 - Opportunities for alternative and lower risk infrastructure alignments, locations or materials must be available (eg for road/ bridge/ facilities/ fences/ signs).
 - Opportunities for improved access in and out of settlements (not just one road in).
 - Budgetary provision should be made not simply for replacement in situ – but taking a longer term value perspective – and negotiating access to funding that respects this proposition.
- **Making flexible provision for temporary crisis and recovery measures**
 - In order to help individuals and families to recover in their communities, it is important that planning controls do not force residents who have lost accommodation and facilities to fire to move away from the district.
 - Planning controls that limit staying in temporary accommodation such as caravans or using storage containers on site should be able to be rapidly suspended – but only as a temporary measure so that vulnerable accommodation does not become entrenched.
 - These provisions should sit within the planning framework, to be invoked following a disaster declaration in relevant areas.

2. PLANNING FOR RISK AVOIDANCE IS A VALID PLANNING STRATEGY (ToR f(iii))

The experience of Victoria's Black Saturday Bush Fire Royal Commission included a finding that any credible risk based system must have risk 'avoidance' as an available strategy. The key means through which life safety is given effect is to avoid development in areas that are too dangerous to develop.

The implications for planning systems are clear. That where a new development in for example a paper subdivision would result in unacceptable and unavoidable risks to life safety then that development is unsustainable, and building would not result in a situation that is more resilient to future shocks.

Where this situation occurs then a range of concerns arise that should be addressed according to the following considerations (to be refined):

- **Whether there are practical alternatives** for:
 - the location of a dwelling;
 - the location and standard of access and egress arrangements; and
 - key utilities connections.
- **Whether bushfire fuel can be managed appropriately on site** without impacting other values on site and in the vicinity (eg biodiversity / landscape / heritage).
- **Whether firefighting operations (and evacuation) can be conducted safely** in an emergency.
- **Whether specific measures for the safety of residents can be maintained over time.**
- **Whether the proposal increases the fire threat to other property.**
- **Whether providing for a dwelling is an overriding goal** under the planning scheme and zoning objectives with respect to the site.

Where the answer to these considerations is ‘no’ – then a case for refusal of development or prohibition of a land use is clear. Isolated and small bush blocks with single access are a particular concern.

However, where there is a strong expectation (or entitlement) for development – then compensation / non-compulsory acquisition may become an issue.

This is more likely to be the case if an entitlement is entirely extinguished, and the intended uses of the land under the planning scheme cannot be met. Further investigation is needed to determine at what point this occurs. However, avoiding compensation/acquisition liabilities should not be an incentive for a council or state agency to approve unsafe development. This is why a sustainable hazard management system needs government to make provision for compensation in certain circumstances.

PIA urges consideration of mechanisms for this to occur and we support recommendations below of the Victorian Black Saturday Royal Commission (2009)ⁱⁱ on this matter.

“The Commission (2009) therefore proposes that the Victoria Planning Provisions relating to bushfire and the CFA guidelines for assessing permit applications in areas of high bushfire risk be amended in order to give priority to protecting human life and to ensure that development does not occur in areas in which either the bushfire risk or the environmental cost of making people safe is too high. The effectiveness of these controls should be reviewed at a later stage to determine whether the objective of substantially limiting the construction of homes in areas of high bushfire risk has been achieved. If not, more prescriptive controls should be introduced.”

The Victorian Royal Commission went further also recommending *“that action be taken to help people move away from those areas where other bushfire risk-mitigation measures are not viable. In particular, the State should develop and implement a voluntary retreat and resettlement strategy—including non-compulsory land acquisition— for existing developments in areas at unacceptably high bushfire risk.”*

The Victorian initiative of applying a ‘restructure overlay’ is worthy of close examination. This involved rearrangement of inappropriate subdivisions. This forced review of potential house locations on vulnerable property and extinguishing some untenable development expectations/rights in extremely high hazard areas.

3. ENHANCED STRATEGIC PLANNING FOR BUSHFIRE PROTECTION (ToR f(iii))

PIA urges a stronger cultural shift to embed bushfire (and natural hazard risk management generally) in every layer of strategic planning policy and guidance so it becomes ‘business as usual’.

The protection of human life *should always be the overriding objective of our planning controls*. Ticking off measures that protect property and structures does not necessarily result in adequately protecting human life. This has been recognised in updated strategic planning guidelines in every state. The updated NSW Planning for Bushfire Protection (PBP) Guideline (RFS 2020)ⁱⁱⁱ (notes that “*strategic planning must ensure that future land uses are in appropriate locations to minimise the risk to life and property from bush fire attack. Services and infrastructure that facilitate effective suppression of bush fires also need to be provided for at the earliest stages of planning.*”

Strategic planning principles are supported that relate to the exclusion of inappropriate development in certain bushfire prone areas and the matching of the level of fire hazard information required to support land use decision making at different scales and in different settings. Examples of these are provided in Section 4.1 of PBP (NSW RFS 2020).

Enhanced bushfire planning integration to regional and local strategic plans

- Ensure Regional Plans include provisions to ensure land use decisions are informed by natural hazard and climate change considerations at the earliest phase of thinking about where growth and development should occur.
- Ensure local plans or their equivalent, include provisions as relevant to:
 - Update mapping and identify natural hazards;
 - Ensure the identification of bushfire hazard is based on the best available science; and
 - statutory controls are consistently applied by State Governments through streamlined implementation measures.

Adequate resourcing of bushfire planning agency referrals

- Integrated strategic land use and bushfire hazard planning can only occur where there is adequate resourcing of bushfire planners to do the mapping and hazard assessment work. Low capacity in several states have resulted in both property development risks being overlooked in the assessment process and strategic plans not being adequately informed of the nature and severity of bushfire threat.

Preparation of resilience strategies

- Ensure integration of climate and disaster resilience into all planning policies or instruments.
- Undertake Council (or region) Resilience Strategies (including for infrastructure, settlement patterns, and social, economic, environmental considerations) and /or embed considerations for disaster resilient communities into local growth management strategies.

Strengthening the statutory basis for stronger and clearer implementation of best practice bushfire guidelines

- Bushfire planning guidelines for strategic planning should be given effect in zoning and development decisions via stronger Ministerial Directions, State Policies or their equivalent.

- Enhance the effect of the relevant statutory ‘hook’ – to give greater weight to the strategic risk assessment / bushfire planning guidelines / overlays - which would improve the consideration of rezoning proposals.
- Determine if objects of each state and territory’s planning legislation are fit for purpose and promote the management of natural hazards to create a state/territory that is safer and more resilient to disasters.

Ensuring biodiversity, landscape and heritage values considered

- In addition to human safety and property/livelihood protection – other values must be balanced for the community in relation to biodiversity, landscape and heritage.
- If the fire hazard reduction necessary to reduce risk to a satisfactory level diminishes natural and cultural values to an unacceptable level then the proposed development should be reconsidered.
- The Black Summer fires have been so widespread that a review of biodiversity conservation policy (and offsetting) settings should be undertaken in recognition that so many threatened communities are now at even greater risk – and climate change will increase pressure.
- The habitat changes post fire will make biodiversity studies difficult – this should not be used as an excuse to discount biodiversity values of recently burnt areas. In the context of the significant ecological effects of fire, natural hazards and climate change.
- Biodiversity protection on public land should not be compromised by clearing or other hazard reduction on public land which is specifically to protect assets on adjoining private land.
- The synergies between biodiversity/greener cities policies and bush fire risk also need careful review. Biodiversity and bushfire safety standards need to be considered and reviewed together to ensure that their outcomes align.
- Isabelle Connolly and Catherine Ryland recently published an article that addressed the integration of planning for greener urban landscapes and improved bushfire protection – PIA commends this work ([link](#)) and supports the principles they include to guide urban greening plans, policies and strategies.

4. ENABLING COMMUNITIES TO LEAD THEIR ADAPTION AND MANAGEMENT (ToR f(iii))

As the Victorian Bushfires Royal Commission (2009) noted: *“Even when bushfire safety is embedded in planning and building decisions it can be difficult to ensure that the standards that applied at the time of subdivision or construction are maintained.”* There is a need for mechanisms designed to ensure that bushfire safety continues to be a priority for building owners. The Victorian Commission put forward a range of proposals supported by PIA aimed at facilitating continued maintenance of standards—including requiring that vendor statements include information that will help potential buyers understand the bushfire risk of a property before they finalise the purchase”.

PIA understands that the planning system is effective at the point at which development is approved with conditions that relate to building standards, design and site layout. The ability to enforce conditions requiring ongoing maintenance of fire management measures is much weaker.

PIA urges the Commission to consider a role for community adaptive management plans – linked to the planning system. These could be council facilitated agreements among landowners, residents and fire authorities (particularly local brigades) which set the priority areas to be managed and how they will be defended. They would set out the mutual obligations for maintenance and outline the implicit compact

among all parties. PIA would see these as empowering local communities to manage their destiny during and beyond a crisis. These plans could be given status and recognised under the planning system when considering conditions of consent or when considering rezoning proposals.

5. ROLE FOR A NATIONAL SETTLEMENT STRATEGY (ToR (b))

PIA has called for a [National Settlement Strategy](#) to provide a coherent and consistent spatial framework for decisions relating to the standards that are acceptable for human occupation, development and supporting infrastructure in relation to all hazards.

This should ensure that settlement patterns and large infrastructure projects are resilient to natural hazards, now and in the future. This enables the government and industry to use resources more efficiently and effectively. So, big region shaping or city shaping decisions are informed by long term resilience considerations and avoidance of areas most susceptible to life threatening situations or hazards that will impose a significant burden on the community, insurance and government to recover from future disasters.

It is important that national scale planning takes an ‘all hazards’ precautionary approach to natural hazard risk and resilience – recognizing overlap (heatwave, drought and water security, bush fire and flood). A common acceptance and response to the implications of a rapidly heating and changing climate would be communicated via a National Settlement Strategy.

Regional strategies must be consistent with respect to the standards of infrastructure delivery per capita (noting local conditions) and development standards in relation to multiple hazards especially from fire, sea level rise and heat exposure. This will also improve the ability of governments to prioritise infrastructure investment and have a rational basis for planning for the amount of growth as well as change in population distribution.

A National Settlement Strategy has been recommended by the House of Representatives Inquiry (2018)^{iv} [‘Building Up and Moving Out’](#) and elements of improved growth planning coordination have been considered by the Commonwealth Treasury Centre for Population and consultation among State Planning Ministers.

This national approach provides an informed framework about major future land use decisions but must be able to be informed by and implemented by local communities, who should be involved in ongoing local decision making and maintaining hazard mitigation.

6. ROLE FOR INDIGENOUS PEOPLES AND APPLICATION OF THEIR KNOWLEDGE (ToR (g))

While the disastrous fire season we have just experienced was a horrific experience for many, fire was and is an integral part of Aboriginal land management. Pascoe (2014) found that ‘almost all early European visitors to Australia remarked on the frequency of small-scale burning’ and that ‘the crucial difference between the use of fire prior to the colonial period and since, is the intensity of fire and available fuel loads’. He concludes that the Aboriginal approach to fire works on five principles:

- The majority of the agricultural lands were fired on a rotating mosaic which controlled intensity and allowed plants and animals to survive in refuges.
- The time of the year when fires were lit depended on the type of country to be burnt and the condition of the bush at the time.

- The prevailing weather was crucial to the timing of the burn.
- Neighbouring clans were advised of all fire activity.
- The growing season of particular plants was avoided at all costs.

Gammage also argues convincingly, with extensive research, that aboriginals use of fire made the Australian landscape up to 1788, and it was very different to what it is today. His argument is built on 3 key tenets:

- Australian plants need fire – knowing how and when and how much to burn is an art and a science.
- Grazing animals can then be shepherded using fire. Only in Australia could this be done, due to no real predators apart from humans.
- There was no real wilderness. Just like in Britain, the landscape was managed, with rare pockets untouched by humans. Aboriginal law compelled people to care for country.

While the development of infrastructure, houses, fences, outbuildings, power lines and roads might complicate the adoption of aboriginal methods of fire management, they do not necessarily prevent it. PIA agrees with Pascoe (2014), 'We just have to think differently about country'. He makes the point that acknowledging 'the history of the country and the social, agricultural and philosophical achievements of the Aboriginal and Torres Strait Islander peoples does not put the economy at risk'. Indeed, we have much to learn from the Aboriginal and Torres Strait Islander peoples, along with farmers and others that live on the land today.

PIA therefore recommends that we listen to the voices of the Aboriginal peoples as to how we should go about managing country, and especially when to burn and not to burn. PIA also recommends that:

- Indigenous approaches to land management across different landscapes be seen as a high priority in the next National Environmental Science Program (NESP2).
- State and local governments actively engage with Aboriginal and Torres Strait Islander peoples in preparing their fire management plans and enable them to participate in the implementation of those plans with and as the community.
- State and Local Governments seek and apply Aboriginal fire management knowledge in the development of strategic land use plans.
- The impact of the bushfires on the Indigenous peoples living in the affected areas be examined by the Commission, including the recognition of their diverse and extensive rights, interests and responsibilities in those areas, and how recovery measures need to be inclusive of and tailored to meeting the needs of Traditional Owners.³

Attachment A considers the role for indigenous communities and their knowledge of fire management in greater depth.

³ The term Traditional Owner is used in this submission to include a wide range of legal rights and interests in land, including cultural heritage, legal land interests recognised by State, Commonwealth or common law, and others who have rights and interests according to Aboriginal law that may not be formally recognised by any Government.

ATTACHMENT A: Role for indigenous peoples and their knowledge of fire management – in depth

The Terms of Reference require the Commission to have regard to, among other matters, ‘Any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia’s resilience.’

While PIA is unable to speak directly for Aboriginal and Torres Strait Islander peoples and their Indigenous ecological knowledge (IEK) and land management practices, we do want to say a few words in support of a better understanding and application of their knowledge of land management.

The Aboriginal and Torres Strait Islander peoples of Australia have owned and occupied these lands sustainably for over 65,000 years (Yunupingu, 1997:1), and in SE Australia for at least 25,000 years. They are continuing to do so (albeit hampered by our intrusion). In recent decades, many non-academic scholars have concluded that they have the oldest living culture on Earth (Flood, 2006:133); they have the oldest continuing system of land tenure in the world (Reynolds, 1999:217); and, in all likelihood, they also have the oldest continuing system of land use planning and management in the world (Wensing, 2019:2).

The Aboriginal and Torres Strait Islander peoples of Australia have always had a crucial and legitimate stake in the use and occupancy of their traditional lands for many thousands of years. Before the British arrived to colonise Australia, the Aboriginal peoples of Australia developed and applied three important principles in caring for their ancestral ‘Country’. The three principles are:

- a deep understanding of the exhaustibility of resources relative to the level of use,
- sensitivity to long term ecological damage; and
- respect for the form in which subsequent generations will receive the land. These ideas have been with them for thousands of years (Wensing, 2019:159).

As Tom Trevorrow, a Ngarrindjeri Elder, states in the Murray Darling Basin Plan:

‘Our traditional management plan was: don’t be greedy, don’t take more than you need and respect everything around you. That’s the management plan – it’s such a simple management plan, but so hard for people to carry out’ (Trevorrow, 2010a).

And as Irene Watson, a Tanganekald, Meintangk Boandik First Nations People of the Coorong and the south east of South Australia, states:

‘We live as a part of the natural world; we are in the natural world. The natural world is us. We take no more from the environment than is necessary to sustain life; we nurture ruwe⁴ as we do our self.’ (I. Watson, 2015:15)

And:

‘The First Nations relationship to ruwe was not recognised, understood or respected by the muldarbi when they first arrived on our shores, so the colonisers lost the opportunity to learn about another way, an ancient way, a way their own ancestors had perhaps known at a time in their own history but from which they had departed’ (I. Watson, 2015:35).

⁴ I. Watson (2015:10, note 23): ‘Ruwe means the territories of First Nations Peoples’ in Ngarrindjeri language.

These statements by Tom Trevorrow and Irene Watson reflect a deeper understanding of a duty and ‘the necessity of being responsible for something greater than oneself, that is, the earth itself’ (Nichols, 2017:11).

The principles are also reflected by Bill Gammage in his book, *‘The Biggest Estate on Earth’* (2011:4)

‘Ensure that all life flourishes. Make plants and animals abundant, convenient and predictable. Think universal, act local.’ (Gammage, 2011:4).

Gammage (2011: 4,5) also notes that the rules imposed a strict ecological discipline on every person and that local knowledge was crucial.

Gammage (2002) maintains that fire was used:

‘To shape the land... It was a major totem, a friend. People knew when to use it and when not to. They knew if they released it according to universal law and local practice it would do what they wanted. If it did not then they, not it, had offended... Like songlines, fire unified Australia. It locked the landscape into a long-term widespread patterns, because neighbours obeyed the same law, and coordinated their burning or non-burning.’

Bruce Pascoe in his book, *Dark Emu* (2014) writes that the use of fire has always had a central place in Australia. While the disastrous fire season we have just experienced was a horrific experience for many, fire was an integral part of Aboriginal land management. Pascoe found that ‘almost all early European visitors to Australia remarked on the frequency of small-scale burning’ (2014:116) and that ‘the crucial difference between the use of fire prior to the colonial period and since, is the intensity of fire and available fuel loads’ (2014:118).

Pascoe (2014:118) concludes that the Aboriginal approach to fire works on five principles:

1. The majority of the agricultural lands were fired on a rotating mosaic which controlled intensity and allowed plants and animals to survive in refuges.
2. The time of the year when fires were lit depended on the type of country to be burnt and the condition of the bush at the time.
3. The prevailing weather was crucial to the timing of the burn.
4. Neighbouring clans were advised of all fire activity.
5. The growing season of particular plants was avoided at all costs.

Pascoe (2014:118) maintains this was evident in advice given by Aboriginal people to Europeans ‘when it became obvious Europeans were using fire too infrequently and in the wrong conditions.’

While the development of infrastructure, houses, fences, outbuildings, power lines and roads might complicate the adoption of simpler methods of regular burning, they do not necessarily prevent it. PIA agrees with Pascoe (2014:123), ‘We just have to think differently about country’.

Pascoe (2014:155) makes the point that acknowledging ‘the history of the country and the social, agricultural and philosophical achievements of the Aboriginal and Torres Strait Islander peoples does not put the economy at risk’. Indeed, we have much to learn from the Aboriginal and Torres Strait Islander peoples.

PIA therefore recommends that we listen to the voices of the Aboriginal peoples as to how we should go about managing country, and especially when to burn and not to burn. As Victor Steffensen, a descendent of the Tagalaka people from the Gulf Country of north Queensland, states in his recent book *'Fire Country'* (2020:94) 'Aboriginal people are a sharing and caring race with values that are not based on fear, domination and greed. most Aboriginal people want to help, because it is a beautiful part of resilience within all Indigenous cultures'.

PIA recognises that the Indigenous peoples of Australia have also been significantly impacted in the fire affected areas, as documented by Williamson *et al* (2020). Aboriginal⁵ peoples hold significant legal rights and interests in the affected areas. As Williamson *et al* (2020:9) notes, this includes both Aboriginal peoples who have some rights and interests in land recognised by state, Commonwealth or common law, and others who have rights and interests according to Aboriginal law that are not formally recognised by any government. PIA acknowledges that the entirety of the fire-affected area is Country belonging to Aboriginal peoples according to Indigenous law.

Unfortunately, past inquiries into major bushfire events did not include adequate consideration of the impact of the fires on Aboriginal peoples and their rights and interests and they were excluded from key forums and decision-making roles about recovery, even though they held distinct legal responsibilities in the affected areas. This continues the torment of Indigenous powerlessness, as the framers of the Uluru Statement from the Heart put it. We agree with Williamson *et al*'s (2020:16-17) conclusions that this shortcoming needs to be urgently addressed by the Royal Commission.

PIA recommends the following resources:

- This edition of Insight with Jenny Brockie on SBS in 2014 (https://www.youtube.com/watch?time_continue=128&v=hqkjl1_igY&feature=emb_title) in which she interviews Victor Steffensen, a descendent of the Tagalaka people from the Gulf Country of north Queensland.
- This article on 5 January 2020 by Lorena Allum, a descendant of the Gamilaraay and Yawalaraay nations of north west NSW and the Guardian's Indigenous affairs editor in the Guardian (<https://www.theguardian.com/commentisfree/2020/jan/06/for-first-nations-people-the-bushfires-bring-a-particular-grief-burning-what-makes-us-who-we-are>) in which Ms Allum wrote "Our memories, our sacred places, we are losing what forever connects us to a place in the landscape. But we can help."
- And this on the ABC South Coast of NSW on 18 September 2018: Indigenous fire methods protect land before and after the Tathra bushfire (<https://www.abc.net.au/news/2018-09-18/indigenous-burning-before-and-after-tathra-bushfire/10258140>).
- Australian Story, 13 April 2020: *'Fighting fire with fire. Passed on through the generations, could Indigenous cultural burning save Australia's landscape from another catastrophic bushfire season?'* Video version here: <https://www.abc.net.au/austory/fighting-fire-with-fire/12134242>. And a transcript here: <https://www.abc.net.au/news/2020-04-13/how-victor-steffensen-is-fighting-fire-with-fire/11866478>
- Williamson, B, Markham, F & Weir, JK (2020) *Aboriginal Peoples and the response to the 2019-2020 bushfires*, Working Paper No. 134/2020, Centre for Aboriginal Economic Policy Research, ANU.

⁵ The term 'Aboriginal peoples' is used here, reflecting the preference of many Aboriginal people in the fire-affected areas.

https://caepr.cass.anu.edu.au/sites/default/files/docs/2020/3/CAEPR_WP_no_134_2020_Williamson_Markham_Weir.pdf

PIA also recommends that:

- Indigenous approaches to land management, including the use of fire and when to burn and not to burn on different types of landscapes across Australia, be seen as a high priority in the next iteration of the National Environmental Science Program (NESP2), the guidelines for which were announced by the Minister for the Environment on 27 March 2020.
- State and local governments actively engage with Aboriginal and Torres Strait Islander peoples in preparing their fire management plans and enable them to participate in the implementation of those plans.

The impact of the bushfires on the Indigenous peoples living in the affected areas be examined by the Commission, including the recognition of their diverse and extensive rights, interests and responsibilities in those areas, and how recovery measures need to be inclusive of and tailored to meeting the needs of Traditional Owners.

We must learn to look after country, the way Aboriginal and Torres Strait Islander people did for many thousands of years before we, the colonisers, arrived. This will require some big changes to the way we manage country, but surely, the damage wrecked upon Australia in the summer of 2019-20 has taught us that we must make some fundamental changes.

PIA acknowledges Ed Wensing and Ian Wood Bradley for their contributions to this section.

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