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**Submission Number: NND.001.01309**

**Submission Of: Kristina Koenig**

### Your Details

Email address:

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Preferred means of contact: Email

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

What is your area of professional expertise?

If you are lodging your submission on behalf of a group or organisation, what is the name of the group or organisation? Kimberley Land Council

### Your Submission

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

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

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

Please refer to attached submission.

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

Please refer to attached submission.

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

Supporting material provided:

20200428\_Kimberley\_Land\_Council\_submission\_Bushfires\_Royal\_Commission\_FINAL.pdf



## Kimberley Land Council

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28 April 2020

Royal Commission into National Natural Disaster Arrangements  
Locked Bag 2000  
Manuka, ACT 2603

Via online submission: <https://rcndasubmissions.lawinorder.com.au/>

### **Re: Submission to the Royal Commission into National Natural Disaster Arrangements ('Bushfires Royal Commission')**

The Kimberley Land Council (KLC) welcomes the opportunity to provide input to the Royal Commission into National Natural Disaster Arrangements.

The KLC, as the recognised Native Title Representative Body for the Kimberley region in WA, has developed and facilitates the Kimberley Ranger Network as a regional network of Indigenous land managers. The Network functions as the peak body for Traditional Owner-led Indigenous land and sea management in the Kimberley, including fire management.

KLC works with Traditional Owners across the Kimberley to deliver technical services and capacity building in applied land management, including fire operations and savanna carbon projects.

#### **1. Context for Indigenous-led Fire Management**

Indigenous people in Australia have used fire to manage their land for tens of thousands of years. Fire management constitutes part of the fulfilment of a cultural obligation to look after country in the "right way" and has been used to protect cultural sites and environmental assets, facilitate hunting and manage food species, and support the intergenerational transmission of traditional knowledge.

While there was an interruption to this practice as a result of colonisation and the removal of Aboriginal people from their traditional lands, which led to fire regimes becoming increasingly dominated by extensive uncontrolled late-season wildfires; over the past 10 to 15 years, Traditional Owners – often through Indigenous Ranger groups and their Healthy Country Plans – have re-instated "right-way" fire management across much of Northern Australia.

In the Kimberley, for example, Indigenous fire management involves planning and lighting 'cool' fires during the early dry season (February/March to June/July depending on conditions) when they remain small and self-extinguish, thereby reducing fuel loads and creating fire scars. The end result is a mosaic of burnt and unburnt country with natural fire breaks that limit the spread / size, intensity and frequency of large, uncontrollable wildfires in the late dry season (August to December), when conditions are hot and dry and fire danger more extreme such that un-contained fires would burn more intensely, at a larger scale, and for longer durations.

Using fire as a tool to manage country, rather than trying to avoid it altogether, allows for the protection of important places and habitat (culture and country), while also pre-empting, eliminating and/or reducing the threat to lives, infrastructure and other values. The latter is the result of both a reduced risk of wildfires occurring and getting out of control, and an improved ability to respond when they do, using early season fire scars in the landscape.

## *2. Recognition of Indigenous knowledge and practice, the need for consultation, and the opportunity for two-way learning*

Given the extensive knowledge of Indigenous people in regards to fire management, it is crucial for bushfire management, emergency planning and response across the nation to include clear recognition of Indigenous people's experience, skills and traditional knowledge, which – in Northern Australia – has been demonstrated to entail a reduction in average extent, severity and frequency of late season wildfires, while also leading to a reduction in the average total area burnt each year. This is in the context of the climatic conditions under which these fire management operations take place becoming more difficult, highlighting the impact of climate change on fire behaviour and challenging the ability to manage fire with limited resourcing.

As a result of Indigenous-led fire management's success even under complex circumstances, indigenous people's traditional ecological knowledge and fire management practice should be consulted and incorporated into bushfire preparedness and response across the nation. This entails the need for genuine engagement of the relevant local Traditional Owners and Indigenous organisations for a given area, from planning and prevention to suppression, as well as Indigenous representation in relevant meetings, committees and events.

Effective consultation and joint management approaches by all relevant government agencies and other stakeholders should be based on the principles of free, prior and informed consent (FPIC, as per the United Nations Declaration on the Rights of Indigenous Peoples) and should result in effective communication, close collaboration, and participatory decision-making with the relevant Indigenous people for a given part of the country.

This needs to take into account Indigenous people's unique circumstances in each region (culturally, geographically and socio-economically), including often-limited means, capacity constraints, high cost of participation, remoteness, lack of access to information and longer timeframes. Existing avenues for consultation and engagement, including regional representative bodies such as Land Councils, may be available to facilitate engagement and decision-making.

It should be noted that Indigenous-led fire management is place-specific and varies across regions; today, it also incorporates Western science, and its success on the ground is often consolidated through partnerships with government and other agencies, landholders and local organisations. In particular, State and Territory fire management legislation that empowers Traditional Owners and other landholders to manage fire is conducive to effective preventive approaches that are appropriate for local circumstances. Relatedly, there is an opportunity for increasing collaboration between State Government agencies and Traditional Owners / Indigenous Ranger groups, including in National Parks.

In the Kimberley, collaboration and recognition of Indigenous skills and contributions are leading to positive change – such as increased multi-stakeholder cooperation between Indigenous Rangers, DFES, DBCA, private conservation organisations and pastoralists via various Forums and Working Groups and operational collaboration which drives two-way learning. However, while early-season prescribed burning often takes place in collaboration between government agencies and Traditional

Owners, response / suppression becomes more complex – for example, in WA, Rangers are separated into DBCA-trained rangers who are able to respond, and non-DBCA trained rangers who are unable to respond on National Parks tenure, as a result of procedural requirements. Ideally, there might be a framework to allow Indigenous Ranger groups to assess and respond to wildfires that threaten their native title areas (including any carbon projects) using operational and financial support from the State.

In regards to roadsides, which are one of the main sources of fire ignition, governance and gazetting need to be clarified. For example, in WA, Indigenous Ranger groups need to apply for permission from MainRoads WA or the relevant shire to be able to carry out protective burns on the side of gazetted roads. Depending on the location, they may also require traffic management plans and need to provide traffic management services, which in turn requires traffic control training. These barriers to fire management need to be removed and cross-stakeholder collaboration optimised.

Overall, it is important for government agencies to support fire managers to appropriately manage the risks inherent in fire operations in line with established and approved procedures – such as the Kimberley Land Council’s Fire Operations Manual which is used by Kimberley Indigenous Ranger groups and is accredited by the WA State Government’s Office of Bushfire Risk Management (OBRM).

In summary:

1. The success of Indigenous-led fire management in northern Australia and indigenous fire management skills should be recognised and acknowledged, and the Government should make a clear commitment to draw on these skills to improve fire management on a national scale.
2. Indigenous experience, knowledge and skills should be consulted and included – subject to FPIC – in fire planning, operations and response, under consideration of Indigenous people’s unique circumstances in each area.
3. Depending on the region, appropriate key partnerships, operational collaborations and two-way learning opportunities should be developed between State Government agencies and Indigenous fire managers, such as ranger groups, comprising both prescribed burning and wildfire suppression, with a goal of facilitating indigenous-led fire management appropriate to the local circumstances.
4. Legislation and regulations need to be clarified and simplified to allow for effective fire management across tenure types, including road reserves.
5. Appropriate resourcing should be provided to empower Indigenous Ranger groups to lead fire management operations and training, including operational budgets / support.
6. The impacts of climate change should be acknowledged and a greater level of commitment made by all levels of Government to mitigating its severity through more ambitious targets for emissions reduction and climate change adaptation.
7. Informational resources should be provided to facilitate effective fire management by landholders and State agencies alike, including through funding for the North Australia Fire Information (NAFI) service ([www.firenorth.org.au](http://www.firenorth.org.au)) which provides indispensable real-time information on hotspots and current and historical fire scars.

**3. *Economic opportunities through fire management in the Northern savannas***

For completeness, it should be noted that the economic opportunity inherent in emissions reduction through effective savanna fire management under the Government's Emissions Reduction Fund has been a significant enabler of the suite of benefits resulting from early-season "right-way" burning.

These include not only a reduction in destructive late-season wildfires, but also significant social, environmental and economic benefits for remote indigenous communities. Additionally, access to the carbon market has led to the emergence of an Indigenous carbon economy that supports employment, training, social, and cultural outcomes in remote communities – in addition to contributing to annual operational budgets for ongoing Indigenous-led fire management.

The KLC is happy to provide additional input in regards to any specific questions relating to indigenous fire management and on-ground operations covering both prescribed burning and wildfire suppression which the Commission may require further detail on.

As a member of the Indigenous Carbon Industry Network (ICIN), the KLC would also like to refer the Commission to ICIN's response to the Solicitor Assisting the Commission in regards to a suite of specific questions.

Sincerely,



**KRISTINA KOENIG**

Land and Sea Management Unit  
Kimberley Land Council