

UNITED FIREFIGHTERS UNION
OF AUSTRALIA



ABN 51824 544 079

410 Brunswick Street,
Fitzroy, Victoria 3065
Phone: (03) 9419 8811
Fax: (03) 9419 9258

Email: ufunational@ufunat.asn.au
www.ufua.asn.au
President: Greg McConville
Secretary: Peter Marshall

28 April 2020

Att: Air Chief Marshal Mark Binskin AC (Retd)
Chair
Royal Commission into National Natural Disaster Arrangements
Locked Bag 2000
Manuka, ACT, 2603
Via email only: rcnda.enquiries@royalcommission.gov.au

Dear Chair,

Submissions of the United Firefighters Union of Australia

The United Firefighters Union of Australia ("UFUA") is a registered federal union for professional career firefighters in Australia.

The UFUA has eight branches: Tasmania, South Australia, Victoria, Australian Capital Territory, New South Wales, Western Australia, Queensland and an Aviation sector branch. Each branch has a very high level of union membership, with the majority of branches averaging 95 to 100 per cent membership of the relevant workforce.

The UFUA represents professional career firefighters employed on a full-time basis, part-time basis and on a retained/casual basis. The UFUA also represents fire service support personnel.

The UFUA has previously provided extensive submissions to a number of Royal Commissions, Senate Inquiries, Coronial Inquests and Public hearings relating to public safety and major events inclusive of bushfires. The UFUA has also appeared before public hearings at such inquiries. These include but are not limited to:

- Public Bodies Review into the MFB 1993 (Victoria);
- Dandenong Fires Coronial Inquest 1997 (Victoria);
- Longford Explosion Royal Commission 1998 (Victoria);

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- Investigation and Inquests into a Wildfire and Deaths of Five firefighters at Linton in December 1998 (Victoria);
- Victorian Bushfires Royal Commission 2009 (Victoria);
- Senate Inquiry into the Safety Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 (2011), and the 2013 and 2019 Federal Reviews;
- Senate Inquiry into Recent Trends in and Preparedness for Extreme Weather Events (2013);
- Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016;
- Senate Inquiry into the Mental Health of our First Responders (2018);
- Senate Inquiry into the Management of Per- and Polyfluoroalkyl Substances (PFAS) Contamination in and around Defence Bases (2018);
- Senate Inquiry into the provision of rescue, firefighting and emergency response at Australian airports (2019); and
- Various State Inquiries into presumptive cancer legislation between 2013 - 2017

We respectfully request that consideration be given to the wealth of knowledge that has been derived from previous inquiries, much of which has resulted from expert submissions inclusive of ours, or, indeed, our expert evidence.

We have previously written to the Honourable Scott Morrison, Prime Minister, as well as State Premiers and Territory Chief Ministers outlining the numerous recommendations that have been derived from previous commissions and inquiries, many of which have not yet been implemented.

We also note that, in parallel with the Royal Commission, there is currently a Senate Inquiry being conducted by the Finance and Public Administration References Committee in relation to "*Lessons to be learned in relation to the preparation and planning for, response to and recovery efforts following the 2019-20 Australian bushfire season*". A House of Representatives Inquiry was also commenced but has since been abolished following the announcement of this Royal Commission.

We also note that the State of Victoria and the State of New South Wales are conducting their own extensive state-based inquiries, and we understand that other states and territories are conducting internal reviews in relation to their performance

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and deployment, and the resulting loss of life and property that occurred during the 2019/2020 bushfire season.

We are concerned that the multiple inquiries taking place essentially over the same or similar subject matters, which appear to be un-coordinated, will result in substantial duplication and confusion in relation to recommendations made. If there are conflicts or ambiguities between findings, it would be virtually impossible to reconcile those conflicts or ambiguities without holding another inquiry to determine which of the recommendations is the correct recommendation.

In the context of the above, we have attached, for your reference, a copy of our letter to the Prime Minister dated 14 January 2020 (Attachment 1). We have also attached a copy of our letter template to the Premiers and Chief Ministers dated 16 January 2020 (Attachment 2). Please note, in particular, the briefing paper that was attached to each letter which has an extensive list of previous inquiries and a selection of historic recommendations that have been derived prior to the announcement of these new inquiries. The subject matter of these recommendations includes; fire causes and behaviour, loss of life and property, the role of the Commonwealth, extreme weather and climate change.

In the context of this information, we respectfully attempt via these submissions to point to the various Inquiries, and the recommendations arising from them, that best fit your Terms of Reference ("TOR") on an individual basis. For example, if it is a matter pertaining to climate change or the need for prescribed burning, the UFUA will identify relevant previous recommendations regarding such matters. Such an approach is consistent with the position of the UFUA as communicated via the letters to the Prime Minister, Premiers and Chief Ministers attached to these submissions.

We also note that you have been directed, via paragraph e) of the TOR to have regard to:

"the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that you consider relevant, including any available State or Territory inquiries relating to the 2019-2020 bushfire season, to avoid duplication wherever possible;"

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To assist you in this task, we respectfully draw your attention below to various recommendations arising from previous inquiries that we consider relevant to the matters referred to in paragraphs a), b), c), f) and g) of the TOR. We respectfully request that the Commission consider each such recommendation and determine whether they have been implemented, not implemented or require review.

Relevant Terms of Reference

(a) the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;

We note that the issue of coordination between various levels of government has been widely considered in a number of previous Inquiries. It was given particular attention in the 2003 House of Representatives **report, "A Nation Charred"** ("2003 HOR Report")¹.

We also note that, whilst the 1984 House of Representatives Report into Bushfires and the Australian Environment ("1984 HOR Report")² was prefaced by the recognition that *"bushfire prevention and suppression is a state responsibility and there are only limited areas where the Commonwealth can be directly involved"*³, it went on to accept that there are *"a number of areas where the Commonwealth can co-operate with State and Local Governments to ensure that sound ecological management approaches are followed and loss of life and property damage are minimised"*⁴.

The fact that greater national interoperability and coordination has not been achieved in its entirety is not the result of a lack of inquiry, analysis or recommendations – but instead because Recommendations have simply not been acted upon.

¹ 2003 (National): 'A Nation Charred: Inquiry into the Recent Australian Bushfires', House of Representatives Select Committee on the Recent Australian Bushfires. G. Nairn, Chair.

² 1984 (National): 'Bushfires and the Australian environment', Report by the House of Representatives Standing Committee on Environment and Conservation. P. Milton, Chair.

³ 1984 HOR Report, page iii.

⁴ 1984 HOR Report, page iii.

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The following table is a sample of relevant Recommendations from federal and state or territory-based Inquiries calling for greater interoperability:

<p>Recommendation 9, 1984 HOR Report</p>	<p>“the Minister for Defence review the role of the Natural Disasters Organisation in respect of the operation of the Australian Counter Disaster College with a view to providing a national centre for bushfire training”</p>
<p>Recommendation 22, 1984 HOR Report</p>	<p>“the Natural Disasters Organisation investigate the need for, and the means of establishing, a national bush firefighting support service to acquire and deploy equipment that the State authorities cannot singly acquire”</p>
<p>Recommendation 23, 2003 HOR Report</p>	<p>“The Committee recommends that the Commonwealth, through the Council of Australian Governments and the Australasian Fire Authorities Council, initiate an overhaul of the incident management systems used by bush fire agencies in Australia to better incorporate local knowledge and expertise and better understanding of the needs and circumstances of local rural communities in the management of major fire events.</p> <p>The Committee also recommends that this overhaul should aim to:</p> <ul style="list-style-type: none"> ▪ refine the system to facilitate setting up simple command and control structures, closer to the fire ground, in tune with the ever changing local fire ground conditions and needs of local communities; ▪ include training of incident management personnel on how to engage and involve local people in planning and management of fires. ▪ establish national models for community fire planning and provide for the integration of community fire plans into incident management [emphasis added]; and ▪ include national reporting of the success of incident management of fires as a means of auditing the cost

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	effectiveness or incident operations.” [emphasis added]
Recommendation 25, 2003 HOR Report	“The Committee recommends that the Commonwealth seek to ensure that the Council of Australian Governments seek the adoption by all states and territories of multi-agency protocols [emphasis added] and agreements for fire management, similar to those in force in Tasmania. ”
Recommendation 26, 2003 HOR Report	“ The Committee recommends that Emergency Management Australia initiate a process involving Australasian Fire Authorities Council and the Australian Assembly of Volunteer Fire Brigades Association to review the coordination of cross border fire fighting arrangements and interstate deployment of fire fighting resources [emphasis added]. The review should specifically consider training on the full range of equipment and procedures likely to be encountered, standardisation of equipment and procedures, communication and the provision of information about local characteristics such as access to water. ”
Recommendation 32, 2003 HOR Report	The Committee recommends that Emergency Management Australia be required to participate in the development and delivery of spatial information systems as part of a national approach to emergency planning and management data. [emphasis added] The first priority in policy development and of systems should be related to bushfire hazards.
Recommendation 34, 2003 HOR Report	The Committee recommends that Emergency Management Australia and the Australian Communications Authority jointly with the Australasian Fire Authorities Council: <ul style="list-style-type: none"> • Initiate an urgent review on a district basis, of the suitability of the current allocated radio spectrum to ensure that as far as possible, fire fighter safety is not

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	<p>being compromised through inadequate communications.</p> <ul style="list-style-type: none"> • Commit to the development, in conjunction with representative bodies of all emergency services, to a National Strategic Radio System. • That the coordination of the deliberations be assigned to Emergency Management Australia.
Recommendation 35, 2003 HOR Report	<p>The Committee recommends that:</p> <ul style="list-style-type: none"> • As a short term objective, the use of '40' channel UHF CB equipment be adopted for coordination and interoperability of communications at fire ground level. • As a longer term objective a national communications plan be developed and incorporate the provision of low powered VHF channel allocations for the purpose of ensuring compatible fire ground communications between all agencies on a national basis. • That the use of UHF CB between units on the fire ground be included in communications planning for intra-state and interstate deployments.
Recommendation 37, 2003 HOR Report	<p>The Committee recommends that Emergency Management Australia work through the Australasian Fire Authorities Council to ensure that:</p> <ul style="list-style-type: none"> ▪ A greater emphasis be placed on pre-incident and incident preparation of communication plans as a means of ensuring effective interoperability between agencies at command and tactical levels. ▪ That the speed of transfer of operational information between agencies at command level be regularly monitored to ensure that operational objectives are not being compromised.
Recommendation 41, 2003 HOR Report	<p>The Committee recommends that Emergency Management Australia request the Australasian Fire Authorities Council to:</p>

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	<ul style="list-style-type: none"> ▪ Determine protocols and standards on a national basis for the adoption and implementation of mobile data services by all firefighting agencies with a view to ensuring national compatibility. ▪ Consider the development of a 'closed user group', utilising satellite telephony, as an interim measure for achieving interoperability between member agencies on a national level.
Recommendation 55, 2003 HOR Report	The Committee recommends that the functions and administration of Emergency Management Australia be reviewed to develop an organisation that is proactive and involved in the development and implementation of national policy on emergency response.
Recommendation 18, 2003 ACT McLeod Inquiry ⁵	The ACT should continue to participate in Commonwealth-level discussions that may result in enhanced aerial support for firefighting becoming available on a national basis in the future.
Recommendation 7, 2009 VBRC Final Report ⁶	The Commonwealth lead an initiative through the Ministerial Council for Police and Emergency Management, facilitated by Emergency Management Australia, to develop a national bushfire awareness campaign.
Recommendation 21, 2009 VBRC Final Report.	The State, in conjunction with Emergency Management Australia and the Department of Defence, develop an agreement that allows Commonwealth aerial resources that are suitable for firefighting and support activities to be incorporated in preparedness plans and used on days of high fire risk.
Recommendation 36, 2009 VBRC Final Report.	The Commonwealth, states and territories continue to pursue the National Action Plan to Reduce Bushfire Arson in Australia, giving priority to producing a nationally consistent framework

⁵ 2003 (ACT): Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod

⁶ 2010 (Victoria): Victorian Bushfires Royal Commission Final Report. B. Teague et al.

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	for data collection and evaluating current and proposed programs in order to identify and share best-practice approaches.
Recommendation 1, (2010 Senate Inquiry, The incidence and severity of bushfires across Australia) ⁷	1.126 The Commonwealth Government examine potential new arrangements for Commonwealth involvement in the development and implementation of a national policy for bushfire management.
Recommendation 10, (2010 Senate Inquiry, The incidence and severity of bushfires across Australia)	5.53 The Commonwealth assist the states with bushfire training for land managers and volunteers by co-ordinating curriculum development and delivery of a national bushfire accreditation course, to be delivered by the relevant state agencies.
Recommendation 15, 2010 Bushfires Senate Inquiry	5.115 The committee recommends that the Commonwealth co-ordinate a national approach to the pooling of ground fire fighting resources across agencies and jurisdictions [emphasis added] to maximise the efficiency of their use.
Recommendation 4, 2002 NSW Bushfire Inquiry ⁸	That the issue of fuel load as an element of the fire cycle be referred to the proposed national Cooperative Research Centre for bushfire management for further investigation.
Recommendation 9, 2013 Extreme Weather Events Senate Inquiry ⁹	The committee recommends that Australian governments specifically address issues of compatibility and capacity to facilitate the most effective interoperability of emergency service organisations and their key personnel [emphasis added], especially for fire services.

⁷ 2010 (National): Senate Select Committee on Agricultural and Related Industries' Final Report into the "Incidence and severity of bushfires across Australia"

⁸ 2002 (NSW): Report on the Inquiry into the 2001/2002 Bushfires, Joint Select Committee on Bushfires, Parliament of New South Wales, Legislative Assembly. J. Price, Chair.

⁹ 2013 (National): Final Report of the Senate Environment and Communications References Committee, "Recent trends in and preparedness for extreme weather events"

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Further Recommendations that recognise the need for national coordination include:

Recommendation 13, 1984 HOR Report	The Minister for Home Affairs and Environment and the Minister for Primary Industry request the Australian Environment Council, the Council of Nature Conservation Ministers and the Australian Forestry Council, to discuss the co-ordination of bushfire research with a view to establishing a co-ordinating unit within an appropriate authority, such as the CSIRO.
Recommendation 19, 1984 HOR Report	The Minister for Home Affairs and Environment review the bushfire protection and management practices of properties of international and national importance.
Recommendation 57, 2003 HOR Report	The Committee recommends that the Department of Transport and Regional Services review its record keeping practices to show the type of emergency for which assistance is provided through the Natural Disaster Relief Arrangements.
Recommendation 65, 2009 VBRC Final Report	The Commonwealth establish a national centre for bushfire research in collaboration with other Australian jurisdictions to support pure, applied and long-term research in the physical, biological and social sciences relevant to bushfires and to promote continuing research and scholarship in related disciplines.

We also note that there have been inquiries in which interstate systems, guides or recommendations are referred to, for example:

Recommendation 2: The Victorian Code of Practice for Fire Management on **Public Land should be used as a 'best-practice' guide when revising the ACT Bushfire Fuel Management Plan** and a similar set of priorities should be developed in relation to zones identified in the Plan.¹⁰

¹⁰ 2003 (ACT): Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod.

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Recommendation 34: FESA develop in partnership with other emergency service agencies a 'one source: one message' multi layered system similar to that recommended by the Victoria Bushfire royal Commission.¹¹

Additionally, state or territory-based Inquiries have expressly referred to the need for greater co-ordination, including by way of resource sharing, between states and territories. For example, the 2003 ACT McLeod Inquiry published the following Recommendations:

Recommendation 16: The ACT Bushfire Service should seek a joint agreement with the NSW Rural Fire Service, for the purpose of providing the ACT with enhanced capacity to draw on the aerial expertise, aircraft availability and efficiencies afforded by a much larger bushfire service.

Recommendation 17: The ACT Bushfire Service should explore conducting a joint trial with the NSW Rural Fire Service to assess the effectiveness of retardant bombing.

(b) **Australia's arrangements for improving** resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;

Various federal and state/territory-based Inquiries and their respective Recommendations touch on the need to adapt and evolve in the face of the threats posed by changing climatic conditions. Existing Recommendations include:

Recommendation 33, 2003 ACT McLeod Inquiry	An automatic weather station should be located in the Brindabella Range to assist with fire weather forecasting.
Recommendation 1, 2013 Extreme Weather Events Senate Inquiry	The committee recommends that the Commonwealth government, through the Bureau of Meteorology and CSIRO, continues to support data collection and research to improve forecasting of extreme weather events, especially early capabilities.

¹¹ 2011 (Western Australia): Perth Hills Bushfire February 2011 Review. M. J. Keelty AO APM.

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<p>Recommendation 2, 2013 Extreme Weather Events Senate Inquiry</p>	<p>The committee recommends that the Bureau of Meteorology and CSIRO continue to improve projections and forecasts of extreme weather events at a more local level.</p>
<p>Recommendation 3, 2013 Extreme Weather Events Senate Inquiry</p>	<p>The committee notes the linkage between climate change and extreme weather events [emphasis added] and recommends that the Bureau of Meteorology and CSIRO conduct further research to increase understand in the areas of:</p> <ul style="list-style-type: none"> • the interaction between large-scale natural variations, climate change and extreme weather events; • the impacts of climate change on rainfall patterns and tropical cyclones; and • that Australia cooperatively engage, where appropriate, with international research initiatives in these areas.
<p>Recommendation 5, 2016 Tasmania Wilderness Final Report¹²</p>	<p>Research on fire and natural and cultural heritage values An ongoing program of scientific research and monitoring should be maintained in the TWWHA that supports understanding:</p> <ul style="list-style-type: none"> • the interaction between climate change and the natural and cultural values of the TWWHA; and • the evolving relationship between climate change and the projected impacts of fire on natural and cultural values in the TWWHA. [emphasis added] <p>This research should focus, in the first instance, on those values that are expected to be most vulnerable in the short term (for example relict Gondwanan flora). This program of research should involve a broad spectrum of the research community, as well as</p>

¹² 2016 (National): Report of the Senate Standing Committee on Environments and Communications into the response to recent fire in the remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area and the lessons learnt from those fires.

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	<p>personnel from DPIPW E and other Tasmanian Government agencies.</p> <p>The program of research should be regularly reviewed and audited. The 'DPIPWE TWWHA Bushfire Research Group' should continue to be actively engaged in the process of developing objectives for this research program.</p> <p>Attachment 9 sets out a prospective list of priority research to support fire management in, and the understanding of the impacts of fire on, the World Heritage values of the TWWHA.</p>
<p>Recommendation 6, 2016 Tasmania Wilderness Final Report</p>	<p>Research on fire vulnerability, fire behaviour and fire model inputs</p> <p>In the short to medium-term, significant research effort should be directed to:</p> <ul style="list-style-type: none"> • further understanding the consequential interactions of climate change with fire vulnerability, behaviour and impact; • understanding fire behaviour and flammability thresholds, particularly in dry conditions, of organic soils and the interaction between climate change, fire and organic soils; • developing a comprehensive understanding of soil and fuel moisture in the various vegetation communities in the TWWHA; efficient methods to monitor and model soil and fuel moisture across the vegetation types in the TWWHA; and the development of reliable soil moisture indices for the TWWHA that can then be incorporated into fire behaviour models and fire danger indices; • developing techniques for more accurately assessing fuel loads and mapping fuel types in different vegetation communities in the TWWHA and incorporating these into fire behaviour models; and • developing fire behaviour models and associated fire spread simulators for peatlands, grasslands, wet eucalypt forest, coniferous rainforest, rainforest without conifers, and other vegetation communities in the TWWHA.

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	<p>This research should take into account national initiatives that are currently underway in the development of bushfire indices, and modelling and fire behaviour tools. The research should concentrate on those areas, soils and vegetation communities in the TWWHA that are not currently well represented in fire behaviour models and fire danger indices.</p>
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In his Dissenting Report in the 2003 HOR Report, former Greens MP for the Division of Cunningham, Michael Organ, went further than the Recommendations contained in the Report, by stating:

"I ... call on the federal government to recognise that climate change will be a major problem globally into the future and that Australia is not, and will not be immune from these problems.

Despite this, Australia has always experienced intense fires due to extreme weather in the past, and obviously this will continue. How severe this weather becomes is yet to be seen, and recent extreme conditions cannot be ignored in the context of the impact of global warming."³

The 2013 Extreme Weather Events Senate Inquiry also dealt with the issue of climate change, and its effects on extreme weather events in Australia, in great detail. The Final Report referred to myriad scientific studies that analysed changing weather patterns and its effects. The Recommendations contained in this Report remain relevant.

(c) **whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:**

- i. thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;
- ii. whether the Commonwealth Government should have the power to declare a state of national emergency;
- iii. how any such national declaration would interact with State and Territory emergency management frameworks;
- iv. whether, in the circumstances of such a national declaration, the Commonwealth Government should have clearer authority to take action (including, but without limitation, through the

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deployment of the Australian Defence Force) in the national interest;

We refer to and repeat the material contained under paragraph (a) above in respect of co-ordination between the Commonwealth and the States and Territories. In relation to the specific issue of deployment of the ADF in the national interest, we note that **the ADF's role in** responding to wildfires has been articulated in a number of reports.

For example, during the 1983 Ash Wednesday bushfires in Victoria and South Australia, the Department of Defence was deployed to assist state fire agencies. This deployment was subject to the governing principle that State services are first and foremost responsible for combating natural disasters and civil emergencies.

During February 1983, the Department of Defence provided the following assistance to Victoria¹⁴:

- 11 bulldozers;
- 250 vehicles including tankers;
- Several aircraft;
- Miscellaneous equipment; and
- Over 3,000 defence personnel.

It was noted in this Report that "the Department of Defence has made a significant contribution to bushfire disaster mitigation and will continue to do so."¹⁵

Additionally, a number of Recommendations were made to assist the agencies and Department of Defence for future deployments, including:

Recommendation 17, 1984 HOR Report	"the Department of Defence review its bushfire procedures to ensure they provide for full consultation with local authorities about fire prevention and pre-fire planning"
Recommendation 20, 1984 HOR Report	"the Minister for Defence review the role of Armed Services in bushfire fighting operations and establish mechanisms to facilitate closer co-operation with civilian bushfire authorities"

¹⁴ 1984 House of Representatives Report, paragraph [90], pg 41.

¹⁵ Ibid, paragraph [145], pgs 40-41.

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Defence force personnel have continued to be deployed to large-scale incidents, and their work alongside fire agencies and other support personnel continues to be analysed and subject of Recommendations. For example:

<p>Recommendation 21, 2009 VBRC Final Report</p>	<p>The State, in conjunction with Emergency Management Australia and the Department of Defence, develop an agreement that allows Commonwealth aerial resources that are suitable for firefighting and support activities to be incorporated in preparedness plans and used on days of high fire risk.</p>
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Indeed, during the recent 2019/2020 fire season, ADF personnel were deployed around the country without obvious impediment. In January 2020, a Department of Defence online update stated:

- Over 5,000 full time and reserve personnel are providing dire support (field, sea, air, from Defence bases) including over 2,700 reservists
- 3 joint task forces have been established (Victoria / NSW and ACT / SA and Tasmania)
- Ongoing support includes: Helicopter support, health and pastoral support, Small Unmanned Aerial System (UAS) support, mobility operations, damage assessments, air force support.

(f) ways in which Australia could achieve greater national coordination and accountability — through common national standards, rule-making, reporting and data-sharing — with respect to key preparedness and resilience responsibilities, including for the following:

- i. land management, including hazard reduction measures;
- ii. wildlife management and species conservation, including biodiversity, habitat protection and restoration;
- iii. land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;

In relation to the question of hazard reduction, we note that virtually all previous major bushfire inquiries have examined the issue of fuel reduction or hazard

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reduction burning and recognised that fuel load is a major contributing factor to the severity of a bushfire events.

Fuel reduction, or hazard reduction burning, is a known fire prevention measure and has been undertaken in Australia for tens of thousands of years. A changing climate and longer, dryer and hotter fire seasons, has created difficulties for traditional hazard reduction burning.

Numerous Recommendations have been made in relation fuel reduction/hazard reduction burning and back burning including Recommendations that have recognised the need for a nationally coordinated approach:

Recommendation 1, 2003 ACT McLeod Inquiry	The ACT Bushfire Fuel Management Plan should be reviewed in the light of changed circumstances since the January 2003 fires. Increases emphasis should be given to controlled burning as a fuel-reduction strategy.
Recommendation 2, 2003 ACT McLeod Inquiry	The Victorian Code of Practice for Fire Management on Public Land should be used as a 'best-practice' guide when revising the ACT Bushfire Fuel Management Plan and a similar set of priorities should be developed in relation to zones identified in the Plan.
Recommendation 5, 2003 ACT McLeod Inquiry	A public information strategy should be prepared to educate the ACT community about the beneficial and protective aspects of fuel-reduction burning and about the degree of inconvenience that will inevitably result for ACT residents during such burning. This should accompany the public launch of the revised Bushfire Fuel Management Plan.
Recommendation 6, 2003 ACT McLeod Inquiry	The approval process for individual fuel-reduction burns that are consistent with the government-approved Bushfire Fuel Management Plan should be simplified so as to enable the limited time when the weather conditions are right to be used to maximum advantage.
1.2 Hazard Reduction Recommendation 2, 2002 NSW Bushfire Inquiry	That by 30 March 2003, all state land management agencies should prepare schedules, identifying those areas within their tenures where hazard reduction activity has been planned but postponed in the previous 36 months.
Recommendation 10, 2002 NSW Bushfire Inquiry	That consistent with the emphasis on coordinated bushfire fighting, there be ongoing cooperation between the planning and operational arms of the land

UNITED FIREFIGHTERS UNION
OF AUSTRALIA



ABN 51824 544 079

410 Brunswick Street,

Fitzroy, Victoria 3065

Phone: (03) 9419 8811

Fax: (03) 9419 9258

Email: ufunational@ufunat.asn.au

www.ufua.asn.au

President: Greg McConville

Secretary: Peter Marshall

	management agencies and the firefighting authorities in the implementation of hazard reduction plans as well as in firefighting activities.
Recommendation 11, 2003 HOR Report	The Committee recommends that the Commonwealth seeks to ensure that the Council of Australian Governments implements arrangements in which greater flexibility is devolved to local brigade captains in the issuing of permits to burn for fuel reduction and other purposes in the context of local fire management plans.
Recommendation 12, 2003 HOR Report	The Committee recommends that the Commonwealth through the National Heritage Trust, offer assistance to the states and the Australian Capital Territory to develop specific prescribed burning guides, at least to the quality of Western Australia, for national parks and state forests throughout the mainland of south eastern Australia.
Recommendation 13, 2003 HOR Report	The Committee recommends that the Commonwealth seek to ensure that the Council of Australian Governments seek agreement from the states and territories on the optimisation and implementation of prescribed burning targets and programs to a degree that is recognised as adequate for the protection of life, property and the environment. The prescribed burning programs should include strategic evaluation of fuel management at the regional level and the results of annual fuel management in each state should be publicly reported and audited.
Recommendation 14, 2003 HOR Report	The Committee recommends that, as part of its study into improving the effectiveness of prescribed burning, the Bushfire Cooperative Research Centre establish a national database that includes areas targeted for fuel reduction, the area of fuel reduction achieved based on a specified standard of on ground verification and the season in which the reduction was achieved. The Committee also recommends that in developing this database the Cooperative Research Centre develop a national standard of fire mapping, which accurately maps the extent, intensity, spread and overall pattern of prescribed and wildfires in Australia.

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Phone: (03) 9419 8811 President: Greg McConville
Fax: (03) 9419 9258 Secretary: Peter Marshall

Recommendation 24, 2009 VBRC Final Report	The Country Fire Authority and the Department of Sustainability and Environment amend their procedures for investigating safety incidents and 'near-misses' to ensure that all dangerous incidents, including back-burns, are fully investigated and that all relevant people are consulted and informed of the results.
Recommendation 25, 2009 VBRC Final Report	The Country Fire Authority and the Department of Sustainability and Environment require without exception that all relevant staff be trained in the need for Incident Controller approval to be obtained before a back-burn is lit.
Recommendation 91 (Part A), 2013 Tasmanian Bushfires Inquiry ¹⁶	That Tasmania Fire Service conducts a review of the fire permit system in the Fire Service Act 1979, and implements change to improve the efficiency and effectiveness of the system by: <ul style="list-style-type: none"> • considering whether it is appropriate to authorise persons or organisations to conduct fuel reduction burning during a permit period • providing a better match between the period, area and fire risk • maintaining a timely and efficient process for issuing permits • naming the period in a way that draws attention to bushfire risk • establishing a reporting and accountability process.

Issues pertaining to land use and building standards (including the need for national coordination) have also previously been considered in detail. Some specific examples include:

Recommendation 2, 1984 HOR Report	The Minister for Housing and Construction request the Housing Ministers' Conference to consider adopting and publicising a housing bushfire protection standard
Recommendation 47, 2009 VBRC Final Report	Standards Australia do the following: <ul style="list-style-type: none"> • amend the objective of AS 3959-2009, Construction of Buildings in Bushfire-prone Areas, to ensure that it incorporates

¹⁶ 2013 (Tasmania): 2013 Tasmanian Bushfires Inquiry

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	<p>reducing the risk of ignition from ember attack review, and amend as appropriate, the testing methods prescribed in its standards for Tests on Elements of Construction for Buildings</p> <ul style="list-style-type: none"> Exposed to Simulated Bushfire Attack (AS 1530.8.1 and AS 1530.8.2) to ensure that, so far as is possible, the methods provide a reliable predictor of the performance of construction elements under bushfire conditions.
<p>Recommendation 47, 2009 VBRC Final Report</p>	<p>The Australian Building Codes Board do the following:</p> <ul style="list-style-type: none"> amend the performance requirements in the Building Code of Australia to ensure that they incorporate reducing the risk of ignition from ember attack work with Standards Australia to effect expeditious continuing review and development of AS 3959, Construction of Buildings in Bushfire-prone Areas, and other bushfire-related standards referred to in the Building Code of Australia negotiate with Standards Australia and SAI Global Ltd an arrangement for free online access to AS 3959-2009, Construction of Buildings in Bushfire-prone Areas, the other Australian standards referred to in AS 3959-2009, and any other bushfire-related Australian standards referred to in the Building Code of Australia amend the Building Code of Australia to remove deemed-to-satisfy provisions for the construction of buildings in BAL-FZ (the Flame Zone) include in the Building Code of Australia bushfire construction provisions for non-residential buildings that will be occupied by people who are particularly vulnerable to bushfire attack, such as schools, child care centres, hospitals and aged care facilities.

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Recommendation 50, 2009 VBRC Final Report	Standards Australia move expeditiously to develop a standard for bushfire sprinklers and sprayers.
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(g) any ways in which the traditional land and fire management practices of **Indigenous Australians could improve Australia's resilience to natural disasters.**

The opportunity to incorporate the experience inherent in Indigenous land and fire management practices has also been acknowledged in a number of previous Inquiries. For example, the 2004 Final Report of the Council of Australian **Government's National Inquiry on Bushfire Mitigation and Management**¹⁷ contained this very clear Recommendation:

Recommendation 6.4, 2004 COAG National Inquiry on Bushfire Mitigation and Management	"The Inquiry recommends that fire agencies, land managers and researchers continue to work in partnership with Indigenous Australians to explore how traditional burning practices and regimes can be integrated with modern practices and technologies and so enhance bushfire mitigation and management in current Australian landscapes. "
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We trust that the information contained in these submissions will assist you in responding to the TOR in a timely manner.

If the UFUA can be of any further assistance, please do not hesitate to contact the UFUA Office directly on (03) 9419 8811 or via email.

Yours faithfully,

Peter Marshall

National Secretary

28 April 2020

¹⁷ 2004 (National): Council of Australian Governments National Inquiry into Bushfire Mitigation and Management. S. Ellis et al.



United Firefighters Union Victorian Branch

ABN 74 030 569 265

410 Brunswick Street
Fitzroy Victoria 3065
Australia
Email: officeadmin@ufuvic.asn.au
Phone: (03) 9419 8811

Website: www.ufuvic.asn.au
Fax: (03) 9419 9258

14 January 2020

The Hon. Scott Morrison MP

Prime Minister of Australia

Suite 102, Level 1

30 The Kingsway

Cronulla NSW 2230

(Resend) Via email only: Scott.Morrison.MP@aph.gov.au

Dear Prime Minister,

Foreshadowed federal Royal Commission, and the UFUA proposal of a Council of Australian Governments Audit Committee to review existing Recommendations

I respectfully write to you in relation to the suggested foreshadowing of a new federal Royal Commission into the current Australian bushfires.

The United Firefighters Union of Australia ("UFUA") is a federally-registered body that **represents Australia's** professional career firefighters as well as support staff.

The UFUA and its respective state and territory branches have been involved in myriad fire-related Inquiries – both as submission-makers and witnesses called to appear. Additionally, the UFUA has had extensive involvement in the previous Royal Commission, being the 2009 Victorian Bushfires Royal Commission, on behalf of its members. Although this was a state-based Royal Commission, the issues canvassed and Recommendations made transcend geographical boundaries.

[Calls for a federal Royal Commission into the Australian fires](#)

In the context of the above, the UFUA can provide extensive information regarding the Recommendations from previous fire-related Inquiries, in the hope that this will assist the Federal Government in establishing a Council of Australian Governments **"Audit Committee"**.

We understand that the prospect of a federal Royal Commission is a matter of importance that you have discussed, or will be discussing, with your Cabinet. As such, we respectfully outline the following information for your attention and consideration.

We respectfully submit that there are several reasons as to why a new, federal Royal Commission should not be established. We respectfully submit the following 6 points as key reasons against the establishment for a new, federal Royal Commission, and in favour of the establishment of a COAG Audit Committee:

1. Most matters that would be considered under a new, federal Royal Commission – if not all – have previously been canvassed by extensive fire-related Inquiries, including but not limited to:
 - a. Deployment of ADF/military personnel
 - b. Role of the Commonwealth Executive
 - c. **Coordination or "interoperability" between state**-based agencies;
 - d. Prescribed burning/fuel reduction
 - e. Aerial capability
 - f. Climate change.

2. A Royal Commission is a costly, lengthy process. At a glance, the 2009 Victorian Bushfires Royal Commission involved:
 - a. 26 community consultations in fire-affected areas
 - b. 155 days of hearings (8 days of regional hearings, 23 days examining fire-related deaths) over a 1-year period
 - c. 100 lay witnesses who gave personal accounts of their experiences

Taking the above into consideration, and the fact that any federal Royal Commission would have a multiple factor due to multiple state/territory involvement, a federal Royal Commission could in effect potentially become unworkable.

Additionally, a new federal Royal Commission would be unnecessary given the extensive, previous investigations and Recommendations that have already been articulated as a result of extensive investigations, calling of evidence, cross-examination of witnesses including Expert Witnesses.

3. Hearings and cross-examination of witnesses (particularly lay witnesses) is often a gruelling, emotional experience as the witness is forced to

relieve the trauma of the fire. This was particularly evident during the 2009 Victorian Bushfires Royal Commission (Black Saturday fires) and should be avoided if the subject matter has already been determined by previous Inquiries.

4. Legal advice obtained in relation to the potential for a federal Royal Commission clearly demonstrates that Royal Commission recommendations are not binding in any way.
As such, a federal Royal Commission cannot compel any state, territory or other body, inclusive of individuals, to accept and/or implement any Recommendations that it may make.
This limitation was described by Fullagar J in the High Court of Australia case of Lockwood v Commonwealth (1954) 90 CLR 177: "... The commission can neither decide nor determine anything and nothing that it does can in any way affect the legal position of any person. Its powers and functions are not judicial".
5. Even in the context of identified criminality or breaches of the law, a federal Royal Commission can only make a recommendation to the relevant Department/Office of Public Prosecutions and it is that body that then determines whether to pursue the alleged criminality/breach of law, and not the Royal Commission.
6. Thus far, there have been fire-related deaths in three states. As such, legislatively-required state-based inquiries, such as Coronial Inquests into deaths resulting from the fires, will take place. A new, federal Royal Commission would merely duplicate this legislated process which would create confusion, drain resources and exacerbate trauma for witnesses/others involved.
States/territories may also conduct their own investigations/Inquiries, and issue findings or recommendations that are binding or carry significant weight. Again, a new, federal Royal Commission would result in further duplication and create an unworkable situation, in particular if there were conflicting recommendations between the relevant state-based Inquiry and the federal Royal Commission.

The establishment of a COAG "Audit Committee"

We respectfully submit that it is a known fact that extreme weather events, including heatwaves and large-scale bushfires, are prevalent in Australia.

Each major incident typically results in federal or state/territory-based Inquiries, with each one producing key Recommendations for consideration. As such, there are myriad existing Recommendations that have been made after considerable expenditure of public monies and extensive evidence provided by witnesses and public bodies, including government agencies.

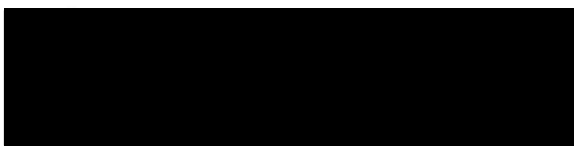
In the context of the above, the UFUA respectfully submits that a more efficient use of public monies would be the establishment of a COAG Audit Committee with adequate resources to collate and analyse previous federal/state/territory Recommendations. This analysis would be undertaken with a view to producing a report outlining the status of previous Recommendations made in federal, state and territory fire-related Inquiries.

Indeed, today, a similar call for a commitment to implement existing Inquiry Recommendations was made by the Australasian Fire and Emergency Service Authorities Council, the employer body representing Australian fire services.

To better appreciate the wealth of existing Recommendations awaiting review and/or implementation, I respectfully attach to this correspondence a brief that outlines key fire-related issues and some examples of Recommendations that have been made following previous investigations or Inquiries. The Recommendations listed in this brief are by no means exhaustive and a proper audit of each and every Inquiry and Recommendation would be required to fully understand the wealth of investigation and existing Recommendations in this space.

I appreciate that this is a particularly busy time for yourself and your Office. Please note that I can be available via telephone, or in person, to discuss any aspect of this correspondence with Government Officials and/or your Staff. I also respectfully provide my mobile number (0419 127 004) should your Office wish to contact me for any further clarification in relation to this correspondence.

Yours Sincerely,

A large black rectangular redaction box covering the signature area.

Peter Marshall

Branch Secretary

ATTACHED:

Briefing paper ("Brief: Australian bushfires and the case against a federal Royal Commission")

Brief: Australian bushfires and the case against a federal Royal Commission

Summary

Prime Minister Scott Morrison has foreshadowed the desire for a federal Royal Commission (“**RC**”) or some other federal Parliamentary Inquiry against the backdrop of recent bushfires.

It is understandable that persons without the historical knowledge of previous Inquiries, whether they be RCs, Senate Inquiries or other reports, would come to the conclusion that a federal RC is required. However, the UFUA respectfully submits that such conclusion is ill-conceived when the following key factors are taken into consideration:

7. Most matters that would be considered under a federal RC – if not all – have **previously been canvassed** by extensive fire-related Inquiries, including but not limited to:
 - a. Deployment of ADF/military personnel
 - b. Coordination or “interoperability” between state-based agencies;
 - c. Prescribed burning/fuel reduction
 - d. Aerial capability
 - e. Climate change.

8. A RC is a **costly, lengthy process**. At a glance, the 2009 Victorian Bushfires Royal Commission involved:
 - a. 26 community consultations in fire-affected areas
 - b. 155 days of hearings (8 days of regional hearings, 23 days examining fire-related deaths) over just over a 1-year period
 - c. 100 lay witnesses who gave personal accounts of their experiences

Taking the above into consideration, and the fact that any federal RC would have a multiple factor due to multiple state/territory involvement, a **federal RC would in effect become unworkable**.

Additionally, a **new federal RC would be unnecessary** given the extensive, previous investigations and Recommendations that have already been articulated as a result of extensive investigations, calling of evidence, cross-examination of witnesses including Expert Witnesses.

9. Hearings and **cross-examination of witnesses** (particularly lay witnesses) is often a **gruelling, emotional experience** as the witness is forced to **relive the trauma** of the fire. This was particularly evident during the 2009 Victorian Bushfires Royal Commission (Black Saturday fires) and should be avoided if the subject matter has already been determined by previous Inquiries.
10. Legal advice obtained in relation to the potential for a federal RC clearly demonstrates that **RC recommendations are not binding in any way.**

As such, a federal RC cannot compel any state, territory or other body, inclusive of individuals, to accept and/or implement any Recommendations that it may make.

This limitation was described by Fullagar J in the High Court of Australia case of *Lockwood v Commonwealth* (1954) 90 CLR 177: "... *The commission can neither decide nor determine anything and nothing that it does can in any way affect the legal position of any person. Its powers and functions are not judicial*".

11. **Even in the context of identified criminality or breaches of the law, a federal RC can only make a recommendation to the relevant Department/Office of Public Prosecutions** and it is that body that then determines whether to pursue the alleged criminality/breach of law, and not the RC.
12. Thus far, there have been fire-related deaths in three states. As such, **legislatively-required state-based inquiries, such as Coronial Inquests into deaths resulting from the fires, will take place.** A federal RC would merely duplicate this legislated process which would create confusion, drain resources and exacerbate trauma for witnesses/others involved. **States/territories may also conduct their own investigations/Inquiries, and issue findings or recommendations that are binding or carry significant weight. Again, a federal RC would result in further duplication and create an unworkable situation, in particular if there were conflicting recommendations between the relevant state-based Inquiry and the federal RC.**

Establishment of COAG Audit Committee

Having stated the above, a more efficient use of public monies would be the establishment of a COAG "Audit Committee" with adequate resources to analyse and collate previous federal/state/territory Recommendations, with a view to producing a report outlining whether the status of previous Recommendations made from both federal and state/territory fire-related Inquiries.

We base our proposal on a way forward by the fact that there are numerous existing Inquiry/Commission/Report Recommendations, at both federal and state/territory levels.

The following Recommendations outlined in this submission are just some examples of existing Recommendations that have been made after considerable expenditure of public monies and extensive evidence provided by witnesses and public bodies (including government agencies). The examples listed below are not exhaustive.

It would be **ill-conceived** to replicate this process when, in fact, the establishment of a federal RC in 2020 would have no power and would serve no real purpose other than to repeat what has already been articulated in past years. **We should rely on lessons already learnt.**

FIRE-RELATED ISSUES TRAVERSED IN PREVIOUS INQUIRIES

Brief overview of bushfire-related inquiries

Between 1939 and 2019, there have been at least 23 bushfire-related inquiries in Australia including Parliamentary Committee inquiries, COAG reports, Coronial Inquiries and Royal Commissions, including:

- 1939 (Victoria): Report of the Royal Commission to inquire into the causes of and measures taken to prevent the bush fires of January, 1939. L.E.B. Stretton.
- 1961 (Western Australia): Report of the Royal Commission appointed to enquire into and report upon the bush fires of December 1960 and January, February and March 1961, Western Australia. G.J. Rodger.
- 1967 (Tasmania): The bush fire disaster of 7th February, 1967: report and summary of evidence. D.M. Chambers and C.G. Brettingham-Moore.
- 1977 (Victoria): Report of the Board of Inquiry into the occurrence of bush and grass fires in Victoria. E. Barber.
- 1984 (Victoria): Report of the Bushfire Review Committee on bushfire preparedness in Victoria, Australia, following the Ash Wednesday fires 16 February 1983. S.I. Miller et. al.
- 1984 (national): 'Bushfires and the Australian environment', Report by the House of Representatives Standing Committee on Environment and Conservation. P. Milton, Chair.
- 1994 (NSW): Report of the Select Committee on Bushfires, Parliament of New South Wales, Legislative Assembly.
- 1996 (NSW): Recommendations from the New South Wales Inquiry into 1993/94 Fires, NSW State Coroner's Office. J.W. Hiatt.
- 2001 (NSW): Recommendations from the Inquiry into the Fire at Mt Ku-Ring-Gai Chase National Park, NSW State Coroner's Office. J. Stevenson.
- 2002 (Victoria): Report of the Investigation and Inquests into a Wildfire and the Deaths of Five Firefighters at Linton on 2 December 1998. State Coroner's Office, Victoria. G. Johnstone.
- 2002 (NSW): Report on the Inquiry into the 2001/2002 Bushfires, Joint Select Committee on Bushfires, Parliament of New South Wales, Legislative Assembly. J. Price, Chair.
- 2003 (ACT): Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod.
- 2003 (Victoria): Report of the Inquiry into the 2002–2003 Victorian Bushfires. B. Esplin et al.
- 2003 (national): 'A Nation Charred: Inquiry into the Recent Australian Bushfires', House of Representatives Select Committee on the Recent Australian Bushfires. G. Nairn, Chair.
- 2004 (national): Council of Australian Governments National Inquiry into Bushfire Mitigation and Management. S. Ellis et al.

- 2006 (ACT): Inquests and Inquiry into Four Deaths and Four Fires between 8 and 18 January 2003. M. Doogan, ACT Coroner.
- 2008 (Victoria) 'Report on the Impact of Public Land Management Practices on Bushfires in Victoria', Victorian Parliamentary Environment and Natural Resources Committee. J. Pandazopoulos, Chair.
- 2009 (Victoria): 2009 Victorian Bushfires Royal Commission Interim Report. B. Teague et al.
- 2009 (Victoria): 2009 Victorian Bushfires Royal Commission Interim Report 2: Priorities for building in bushfire prone areas. B. Teague et al.
- 2010 (Victoria): Victorian Bushfires Royal Commission Final Report. B. Teague et al.
- 2011 (Western Australia): Perth Hills Bushfire February 2011 Review. M. J. Keelty AO APM.
- 2011 (Western Australia): Margaret River Bushfire Special Inquiry. M. J. Keelty AO APM.
- 2013 (national): Final Report of the Select Committee, "Recent trends in and preparedness for extreme weather events"
- 2013 (Tasmania): 2013 Tasmanian Bushfires Inquiry
- 2016 (national): Report of the Senate Standing Committee on Environments and Communications into the response to recent fire in the remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area and the lessons learnt from those fires.

Additionally, there are Reports and Recommendations, from as recently as 2013, with analysis, findings and Recommendations that are still relevant and awaiting full implementation, such as:

- Select Committee on Agricultural and Related Industries' Final Report into the "Incidence and severity of bushfires across Australia", 2010
 - Note: In addition to relevant Recommendations, this Final Report also annexed a list of recommendations and government response/action to date in relation to the 2003 House of Representatives Report "A Nation Charred"
- Select Committee's Final Report into "Recent trends in and preparedness for extreme weather events", 2013
 - Note: This Report noted the link between climate change and extreme weather events and the need for better preparedness, planning and resourcing to deal with such events, and greater interoperability between the fire agencies.

Further, there have also been a number of state/territory-based inquiries. These Inquiries are most often triggered by state or territory-based extreme weather events and large-scale emergency incidents that result from those weather events, such as the NSW Report on the Inquiry into the 2001/2002 Bushfires.

1. Utilisation of ADF personnel

It has been erroneously claimed in recent weeks that the deployment of ADF personnel for bushfires is unprecedented. This is not true; the **use of ADF personnel is not unprecedented for large-scale emergency incidents**. An analysis would determine whether this deployment would include Reservists however, regardless, the ADF's role in wildfires has been articulated in a number of reports.

37 years ago, during the "1983 Ash Wednesday bushfires" (SA and Victoria), the Department of Defence was deployed to assist state fire agencies. This deployment was subject to the governing principle that State services are first and foremost responsible for combating natural disasters and civil emergencies.

During February 1983, the Department of Defence provided the following assistance to Victoria: (para 90, page 41, 1984 House of Representatives Report):

- 11 bulldozers;
- 250 vehicles including tankers;
- Several aircraft;
- Miscellaneous equipment; and
- Over 3,000 defence personnel.

It was noted in this Report that "the Department of Defence has made a significant contribution to bushfire disaster mitigation and will continue to do so." (page 41-42, para 195). Additionally, a number of Recommendations were made to assist the agencies and Department of Defence for future deployments, including:

Recommendation 17 (1984 House of Representatives Report)	"the Department of Defence review its bushfire procedures to ensure they provide for full consultation with local authorities about fire prevention and pre-fire planning"
Recommendation 20 (1984 House of Representatives Report)	"the Minister for Defence review the role of Armed Services in bushfire fighting operations and establish mechanisms to facilitate closer co-operation with civilian bushfire authorities"

Defence force personnel have continued to be deployed to large-scale incidents, and their work alongside fire agencies and other support personnel continues to be analysed and subject of Recommendations. For example:

Recommendation 21 (2009 Victorian Bushfires Royal Commission)	The State, in conjunction with Emergency Management Australia and the Department of Defence, develop an agreement that allows Commonwealth aerial resources that are suitable for firefighting and support activities to be incorporated in preparedness plans and used on days of high fire risk.
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2019/2020 “Operation Bushfire Assist”

In this recent 2019/2020 fire season, ADF personnel have been deployed around the country. Though the season is far from over, and further deployments may be made, as at 12 January 2020, according to a Department of Defence online update:

- Over 5,000 full time and reserve personnel are providing dire support (field, sea, air, from Defence bases) including over 2,700 reservists
- 3 joint task forces have been established (Victoria / NSW and ACT / SA and Tasmania)
- Ongoing support includes: Helicopter support, health and pastoral support, Small Unmanned Aerial System (UAS) support, mobility operations, damage assessments, air force support.

2. Role of the Commonwealth Executive

Several federal Inquiries analyse and recommend the additional support, and direct involvement, of the Commonwealth Executive, particularly in relation to national coordination of resources and the promotion of cross-departmental relationships in relation to fires.

The Recommendations of the 1984 House of Representatives Report, for example, almost entirely focussed on work across many governmental departments and bodies, to ensure a national focus and cohesive approach to fire/bushfire preparedness and readiness. Recommendations were directed at, for example:

- Minister for Territories and Local Government
- Minister for Housing and Construction
- Department of Home Affairs and Environment
- Commonwealth Department of Education and Youth Affairs
- Minister for Defence
- Commonwealth Minister for Primary Industry; and more.

The following are just some examples of Recommendations that feature in federal Reports:

Recommendation 2 (1984 House of Representatives Report)	The Minister for Housing and Construction request the Housing Ministers' Conference to consider adopting and publicising a housing bushfire protection standard
Recommendation 9 (1984 House of Representatives Report)	The Minister for Defence review the role of the Natural Disasters Organisation in respect of the operation of the Australian Counter Disaster College with a view to providing a national centre for bushfire training
Recommendation 13 (1984 House of Representatives Report)	The Minister for Home Affairs and Environment and the Minister for Primary Industry request the Australian Environment Council, the Council of Nature Conservation Ministers and the Australian Forestry Council, to discuss the co-ordination of bushfire research with a view to establishing a co-ordinating unit within an appropriate authority, such as the CSIRO.
Recommendation 19 (1984 House of Representatives Report)	The Minister for Home Affairs and Environment review the bushfire protection and management

	practices of properties of international and national importance.
Recommendation 57 (2003 House of Representatives report "A Nation Charred")	The Committee recommends that the Department of Transport and Regional Services review its record keeping practices to show the type of emergency for which assistance is provided through the Natural Disaster Relief Arrangements.
Recommendation 21 (2009 Victorian Bushfires Royal Commission)	The State, in conjunction with Emergency Management Australia and the Department of Defence, develop an agreement that allows Commonwealth aerial resources that are suitable for firefighting and support activities to be incorporated in preparedness plans and used on days of high fire risk.
Recommendation 36 (2009 Victorian Bushfires Royal Commission)	The Commonwealth, states and territories continue to pursue the National Action Plan to Reduce Bushfire Arson in Australia, giving priority to producing a nationally consistent framework for data collection and evaluating current and proposed programs in order to identify and share best-practice approaches.
Recommendation 47 (2009 Victorian Bushfires Royal Commission)	Standards Australia do the following: <ul style="list-style-type: none"> • amend the objective of AS 3959-2009, Construction of Buildings in Bushfire-prone Areas, to ensure that it incorporates reducing the risk of ignition from ember attack review, and amend as appropriate, the testing methods prescribed in its standards for Tests on Elements of Construction for Buildings • Exposed to Simulated Bushfire Attack (AS 1530.8.1 and AS 1530.8.2) to ensure that, so far as is possible, the methods provide a reliable predictor of the performance of construction elements under bushfire conditions.
Recommendation 47 (2009 Victorian Bushfires Royal Commission)	The Australian Building Codes Board do the following: <ul style="list-style-type: none"> • amend the performance requirements in the Building Code of Australia to ensure that they incorporate reducing the risk of ignition from

	<p>ember attack work with Standards Australia to effect expeditious continuing review and development of AS 3959, Construction of Buildings in Bushfire-prone Areas, and other bushfire-related standards referred to in the Building Code of Australia</p> <ul style="list-style-type: none"> • negotiate with Standards Australia and SAI Global Ltd an arrangement for free online access to AS 3959-2009, Construction of Buildings in Bushfire-prone Areas, the other Australian standards referred to in AS 3959-2009, and any other bushfire-related Australian standards referred to in the Building Code of Australia • amend the Building Code of Australia to remove deemed-to-satisfy provisions for the construction of buildings in BAL-FZ (the Flame Zone) • include in the Building Code of Australia bushfire construction provisions for non-residential buildings that will be occupied by people who are particularly vulnerable to bushfire attack, such as schools, child care centres, hospitals and aged care facilities.
<p>Recommendation 50 (2009 Victorian Bushfires Royal Commission)</p>	<p>Standards Australia move expeditiously to develop a standard for bushfire sprinklers and sprayers.</p>
<p>Recommendation 65 (2009 Victorian Bushfires Royal Commission)</p>	<p>The Commonwealth establish a national centre for bushfire research in collaboration with other Australian jurisdictions to support pure, applied and long-term research in the physical, biological and social sciences relevant to bushfires and to promote continuing research and scholarship in related disciplines.</p>

3. National coordination and greater “interoperability”

The 1984 House of Representatives Report into Bushfires and the Australian Environment prefaced its Report by recognising that “bushfire prevention and suppression is a state responsibility and there are only limited areas where the Commonwealth can be directly involved” (page iii).

However, the Report accepted that there are “a number of areas where the Commonwealth can co-operate with State and Local Governments to ensure that sound ecological management approaches and are followed and loss of life and property damage are minimised” (page iii).

The fact that greater national interoperability has not been achieved in its entirety is not for reasons of lack of inquiry, analysis or recommendations – but instead because Recommendations have simply not been acted upon.

The following table is a snapshot of Recommendations from federal and state or territory-based Inquiries calling for greater interoperability:

Recommendation 9 (1984 HOR Report)	“the Minister for Defence review the role of the Natural Disasters Organisation in respect of the operation of the Australian Counter Disaster College with a view to providing a national centre for bushfire training”
Recommendation 22 (1984 HOR Report)	“the Natural Disasters Organisation investigate the need for, and the means of establishing, a national bush fire fighting support service to acquire and deploy equipment that the State authorities cannot singly acquire”
Recommendation 23 (2003 HOR Report, “A Nation Charred”)	<p>“The Committee recommends that the Commonwealth, through the Council of Australian Governments and the Australasian Fire Authorities Council, initiate an overhaul of the incident management systems used by bush fire agencies in Australia to better incorporate local knowledge and expertise and better understanding of the needs and circumstances of local rural communities in the management of major fire events.</p> <p>The Committee also recommends that this overhaul should aim to:</p> <ul style="list-style-type: none"> ▪ refine the system to facilitate setting up simple command and control structures, closer to the fire ground, in tune with the

	<p>ever changing local fire ground conditions and needs of local communities;</p> <ul style="list-style-type: none"> ▪ include training of incident management personnel on how to engage and involve local people in planning and management of fires. ▪ establish national models for community fire planning and provide for the integration of community fire plans into incident management [emphasis added]; and ▪ include national reporting of the success of incident management of fires as a means of auditing the cost effectiveness or incident operations." [emphasis added]
<p>Recommendation 25 (2003 HOR Report, "A Nation Charred")</p>	<p>"The Committee recommends that the Commonwealth seek to ensure that the Council of Australian Governments seek the adoption by all states and territories of multi-agency protocols [emphasis added] and agreements for fire management, similar to those in force in Tasmania."</p>
<p>Recommendation 26, (2003 HOR Report, "A Nation Charred")</p>	<p>"The Committee recommends that Emergency Management Australia initiate a process involving Australasian Fire Authorities Council and the Australian Assembly of Volunteer Fire Brigades Association to review the coordination of cross border fire fighting arrangements and interstate deployment of fire fighting resources [emphasis added]. The review should specifically consider training on the full range of equipment and procedures likely to be encountered, standardisation of equipment and procedures, communication and the provision of information about local characteristics such as access to water."</p>
<p>Recommendation 32, (2003 HOR Report, "A Nation Charred")</p>	<p>The Committee recommends that Emergency Management Australia be required to participate in the development and delivery of spatial information systems as part of a national approach to emergency planning and management data. [emphasis added] The first priority in policy development and of systems should be related to bushfire hazards.</p>
<p>Recommendation 34, (2003 HOR Report, "A Nation Charred")</p>	<p>The Committee recommends that Emergency Management Australia and the Australian Communications Authority jointly with the Australasian Fire Authorities Council:</p>

	<ul style="list-style-type: none"> • Initiate an urgent review on a district basis, of the suitability of the current allocated radio spectrum to ensure that as far as possible, fire fighter safety is not being compromised through inadequate communications. • Commit to the development, in conjunction with representative bodies of all emergency services, to a National Strategic Radio System. • That the coordination of the deliberations be assigned to Emergency Management Australia.
Recommendation 35, (2003 HOR Report, “A Nation Charred”)	<p>The Committee recommends that:</p> <ul style="list-style-type: none"> • As a short term objective, the use of ‘40’ channel UHF CB equipment be adopted for coordination and interoperability of communications at fire ground level. • As a longer term objective a national communications plan be developed and incorporate the provision of low powered VHF channel allocations for the purpose of ensuring compatible fire ground communications between all agencies on a national basis. • That the use of UHF CB between units on the fire ground be included in communications planning for intra-state and interstate deployments.
Recommendation 37, (2003 HOR Report, “A Nation Charred”)	<p>The Committee recommends that Emergency Management Australia work through the Australasian Fire Authorities Council to ensure that:</p> <ul style="list-style-type: none"> ▪ A greater emphasis be placed on pre-incident and incident preparation of communication plans as a means of ensuring effective interoperability between agencies at command and tactical levels. ▪ That the speed of transfer of operational information between agencies at command level be regularly monitored to ensure that operational objectives are not being compromised.
Recommendation 41, (2003 HOR Report, “A Nation Charred”)	<p>The Committee recommends that Emergency Management Australia request the Australasian Fire Authorities Council to:</p> <ul style="list-style-type: none"> ▪ Determine protocols and standards on a national basis for the adoption and implementation of mobile data services by

	<p>all firefighting agencies with a view to ensuring national compatibility.</p> <ul style="list-style-type: none"> ▪ Consider the development of a 'closed user group', utilising satellite telephony, as an interim measure for achieving interoperability between member agencies on a national level.
Recommendation 55, (2003 HOR Report, "A Nation Charred")	The Committee recommends that the functions and administration of Emergency Management Australia be reviewed to develop an organisation that is proactive and involved in the development and implementation of national policy on emergency response.
Recommendation 18 (Inquiry into the Operational Response to the January 2003 Bushfires in the ACT)	The ACT should continue to participate in Commonwealth-level discussions that may result in enhanced aerial support for firefighting becoming available on a national basis in the future.
Recommendation 7 (2009 Victorian Bushfires Royal Commission Final Report)	The Commonwealth lead an initiative through the Ministerial Council for Police and Emergency Management, facilitated by Emergency Management Australia, to develop a national bushfire awareness campaign.
Recommendation 21 (2009 Victorian Bushfires Royal Commission Final Report)	The State, in conjunction with Emergency Management Australia and the Department of Defence, develop an agreement that allows Commonwealth aerial resources that are suitable for firefighting and support activities to be incorporated in preparedness plans and used on days of high fire risk.
Recommendation 36 (2009 Victorian Bushfires Royal Commission Final Report)	The Commonwealth, states and territories continue to pursue the National Action Plan to Reduce Bushfire Arson in Australia, giving priority to producing a nationally consistent framework for data collection and evaluating current and proposed programs in order to identify and share best-practice approaches.
Recommendation 1, (2010 Senate Inquiry, The incidence and severity of bushfires across Australia)	1.126 The Commonwealth Government examine potential new arrangements for Commonwealth involvement in the development and implementation of a national policy for bushfire management.
Recommendation 10, (2010 Senate Inquiry, The incidence and severity of bushfires across Australia)	5.53 The Commonwealth assist the states with bushfire training for land managers and volunteers by co-ordinating curriculum development and delivery of a national bushfire accreditation course, to be delivered by the relevant state agencies.

Recommendation 15, (2010 Senate Inquiry, The incidence and severity of bushfires across Australia)	5.115 The committee recommends that the Commonwealth co-ordinate a national approach to the pooling of ground fire fighting resources across agencies and jurisdictions [emphasis added] to maximise the efficiency of their use.
Recommendation 4 (NSW Joint Select Committee on Bushfires, Report on the Inquiry into the 2001/2002 Bushfires, 2002)	That the issue of fuel load as an element of the fire cycle be referred to the proposed national Cooperative Research Centre for bushfire management for further investigation.
Recommendation 9, (2013 Senate Inquiry into recent trends in and preparedness for extreme weather events)	The committee recommends that Australian governments specifically address issues of compatibility and capacity to facilitate the most effective interoperability of emergency service organisations and their key personnel [emphasis added], especially for fire services.

Local Recommendations have also been made in numerous state and territory-focused Inquiries. Additionally, there have been Inquiries in which interstate systems, guides or Recommendations are referred to, for example:

Recommendation 2: The Victorian Code of Practice for Fire Management on Public Land should be used as a 'best-practice' guide when revising the ACT Bushfire Fuel Management Plan and a similar set of priorities should be developed in relation to zones identified in the Plan. (Inquiry into the Operational Response to the January 2003 Bushfires in the ACT, Ron McLeod AM)

Recommendation 34: FESA develop in partnership with other emergency service agencies a 'one source: one message' multi layered system similar to that recommended by the Victoria Bushfire royal Commission. (Perth Hills Bushfire February 2011 Review)

Additionally, state or territory-based Inquiries can expressly foreshadow greater interstate interoperability, for example:

Recommendation 16: The ACT Bushfire Service should seek a joint agreement with the NSW Rural Fire Service, for the purpose of providing the ACT with enhanced capacity to draw on the aerial expertise, aircraft availability and efficiencies afforded by a much larger bushfire service.

Recommendation 17. The ACT Bushfire Service should explore conducting a joint trial with the NSW Rural Fire Service to assess the effectiveness of retardant bombing.

(Inquiry into the Operational Response to the January 2003 Bushfires in the ACT, Ron McLeod AM)

4. Climate change and extreme weather events

Australia has historically experienced harsh weather conditions, leading to extreme weather events such as bushfires. However, the role climate change plays in leading to more frequent, more extreme weather events cannot go unnoticed.

Various federal and state/territory-based Inquiries and their respective Recommendations touch on the need to adapt and evolve because of the changing climate. The following examples are just some of the existing Recommendations:

<p>Recommendation 33 (Commonwealth and interstate contributions, Inquiry into the Operational Response to the January 2003 Bushfires in the ACT)</p>	<p>An automatic weather station should be located in the Brindabella Range to assist with fire weather forecasting.</p>
<p>Recommendation 1, (2013 Senate Inquiry into recent trends in and preparedness for extreme weather events)</p>	<p>The committee recommends that the Commonwealth government, through the Bureau of Meteorology and CSIRO, continues to support data collection and research to improve forecasting of extreme weather events, especially early capabilities.</p>
<p>Recommendation 2 (2013 Senate Inquiry into recent trends in and preparedness for extreme weather events)</p>	<p>The committee recommends that the Bureau of Meteorology and CSIRO continue to improve projections and forecasts of extreme weather events at a more local level.</p>
<p>Recommendation 3 (2013 Senate Inquiry into recent trends in and preparedness for extreme weather events)</p>	<p>The committee notes the linkage between climate change and extreme weather events [emphasis added] and recommends that the Bureau of Meteorology and CSIRO conduct further research to increase understand in the areas of:</p> <ul style="list-style-type: none"> • the interaction between large-scale natural variations, climate change and extreme weather events; • the impacts of climate change on rainfall patterns and tropical cyclones; and • that Australia cooperatively engage, where appropriate, with international research initiatives in these areas.
<p><i>Recommendation 5 (Tasmania Wilderness World Heritage Area Bushfire and Climate Change Research Project, Dr</i></p>	<p>Research on fire and natural and cultural heritage values An ongoing program of scientific research and monitoring should be maintained in the TWWHA that supports understanding:</p>

<p><i>Tony Press, Final Report, 2016)</i></p>	<ul style="list-style-type: none"> • the interaction between climate change and the natural and cultural values of the TWWHA; and • the evolving relationship between climate change and the projected impacts of fire on natural and cultural values in the TWWHA. [emphasis added] <p>This research should focus, in the first instance, on those values that are expected to be most vulnerable in the short term (for example relict Gondwanan flora).</p> <p>This program of research should involve a broad spectrum of the research community, as well as personnel from DPIPWE and other Tasmanian Government agencies.</p> <p>The program of research should be regularly reviewed and audited. The 'DPIPWE TWWHA Bushfire Research Group' should continue to be actively engaged in the process of developing objectives for this research program.</p> <p>Attachment 9 sets out a prospective list of priority research to support fire management in, and the understanding of the impacts of fire on, the World Heritage values of the TWWHA.</p>
<p><i>Recommendation 6 (Tasmania Wilderness World Heritage Area Bushfire and Climate Change Research Project, Dr Tony Press, Final Report, 2016)</i></p>	<p>Research on fire vulnerability, fire behaviour and fire model inputs</p> <p>In the short to medium-term, significant research effort should be directed to:</p> <ul style="list-style-type: none"> • further understanding the consequential interactions of climate change with fire vulnerability, behaviour and impact; • understanding fire behaviour and flammability thresholds, particularly in dry conditions, of organic soils and the interaction between climate change, fire and organic soils; • developing a comprehensive understanding of soil and fuel moisture in the various vegetation communities in the TWWHA; efficient methods to monitor and model soil and fuel moisture across the vegetation types in the TWWHA; and the development of reliable soil moisture indices for the TWWHA that can then be incorporated into fire behaviour models and fire danger indices; • developing techniques for more accurately assessing fuel loads and mapping fuel types in different vegetation communities in the TWWHA and incorporating these into fire behaviour models; and

	<ul style="list-style-type: none"> • developing fire behaviour models and associated fire spread simulators for peatlands, grasslands, wet eucalypt forest, coniferous rainforest, rainforest without conifers, and other vegetation communities in the TWWHA. <p>This research should take into account national initiatives that are currently underway in the development of bushfire indices, and modelling and fire behaviour tools. The research should concentrate on those areas, soils and vegetation communities in the TWWHA that are not currently well represented in fire behaviour models and fire danger indices.</p>
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Climate change does not just appear in Recommendations; it is discussed – sometimes at great length – in previous federal Reports.

In his Dissent to the 2003 HOR Report “A Nation Charred”, former Greens MP for the Division of Cunningham, went further than the Recommendations put to the House, by stating:

I ... call on the federal government to recognise that climate change will be a major problem globally into the future and that Australia is not, and will not be immune from these problems. Despite this, Australia has always experienced intense fires due to extreme weather in the past, and obviously this will continue. How severe this weather becomes is yet to be seen, and recent extreme conditions cannot be ignored in the context of the impact of global warming. (page 341)

The 2013 Senate Inquiry Final Report into “Recent trends in and preparedness for extreme weather events dealt with the issue of climate change, and its effects on extreme weather events in Australia, in great detail. The final Senate Report referred to myriad scientific studies that analysed changing weather patterns and its effects. The Recommendations are still relevant.

5. Aerial capabilities

There has been a heightened focus on “aerial attack” or “aerial capabilities” in the media during the 2019/2020 bushfire season, with several media sources looking to examples of aerial capabilities in other known, bushfire-prone areas such as California, USA.

Aerial firefighting was mentioned briefly in the 1984 HOR Report into Australian bushfires, as it was at the time a new and evolving technology. Aerial attack is now a common firefighting tactic deployed for large-scale fires, such as the current fires. Aerial attack has been deployed in a number of large-scale incidents, and discussed in a number of Inquiries.

Some recommendations, in relation to aerial attack over the years, include:

<p>Recommendation 14 (1997 Dandenong Ranges Fires Coronial Inquest, 1997)</p>	<p>That DNRE/CFA be fully supported in their requirements to have available for deployment, at the commencement of any appropriate fire risk season, a broad and flexible fleet of dedicated fire fighting aircraft. Such aircraft should also include deployment of sufficient numbers of the larger range of fire fighting aircraft to assist in managing and reducing the spread of ‘wildfire’ so as to maximise the potential to reduce loss of life, injury and property damage.</p> <p>As far as practicable the larger aircraft should be available for rapid deployment in areas (and days) of high fire risk. The aircraft should be rapidly used to reduce the spread of ‘wildwifre’ into urban and rural residential areas.</p> <p>Response times for fire fighting aircraft (within the context of overall management of a wildfire) should also be considered.</p>
<p>Recommendation 18 (Inquiry into the Operational Response to the January 2003 Bushfires in the ACT)</p>	<p>The ACT should continue to participate in Commonwealth-level discussions that may result in enhanced aerial support for firefighting becoming available on a national basis in the future.</p>
<p>Recommendation 29 (2003 HOR Report, “A Nation Charred”)</p>	<p>The Committee recommends that the Commonwealth should commit funding for aerial fire fighting beyond the 2003–04 season on the proviso that the Australasian Fire Authorities Council and the state and territory governments make a commitment to:</p>

	<ul style="list-style-type: none"> ▪ Rapid initial attack of all wildfires during the bush fire season regardless of tenure. ▪ Deployment on long term contracts of a mix of aircraft, including fixed wing. ▪ Deployment of aircraft on a nationally coordinated risk analysis basis to be updated as each fire season unfolds._ ▪ Provision of nationally coordinated full ground support. ▪ Development of training arrangements for air crews, ground support crews, incident management teams and fire fighters to a national standard. ▪ Development of systems of effective aerial control of fire bombing operations.
Recommendation 20 (2009 Victorian Bushfires Royal Commission)	<p>The Country Fire Authority and the Department of Sustainability and Environment amend their policies on aerial preparedness and standby arrangements, their dispatch protocols and the management of aircraft in order to do the following:</p> <ul style="list-style-type: none"> ▪ require that at locations that attract the risk assessment or preparedness level A on code red days all personnel needed for air operations must be on standby by 10.00 am ▪ establish a system that enables the dispatch of aircraft to fires in high-risk areas without requiring a request from an Incident Controller or the State Duty Officer.
Recommendation 21 (2009 Victorian Bushfires Royal Commission)	<p>The State, in conjunction with Emergency Management Australia and the Department of Defence, develop an agreement that allows Commonwealth aerial resources that are suitable for firefighting and support activities to be incorporated in preparedness plans and used on days of high fire risk.</p>
Recommendation 56 (2009 Victorian Bushfires Royal Commission)	<p>The State fund and commit to implementing a long-term program of prescribed burning based on an annual rolling target of 5 per cent minimum of public land.</p>
Recommendation 13 (Tasmania Wilderness World Heritage Area Bushfire and Climate Change Research Project, Dr Tony Press, Final Report, 2016)	<p>Aerial Fire Suppression</p> <p>The Tasmania Parks and Wildlife and the Tasmania Fire Service should review future capabilities in fixed- and rotary-wing aircraft for fire suppression in the TWWHA, and for the safe insertion of remote area firefighting teams, including where landing or hover exist is not possible.</p> <p>This review of aircraft support should be carried out in conjunction with the review of staffing capabilities.</p>

6. Fuel reduction/Hazard Reduction Burning

All major bushfire inquiries raise the issue of fuel reduction or hazard reduction burning, as fuel is a contributing factor in the severity of a bushfire.

Fuel reduction, or hazard reduction burning, is a known fire prevention measure and has been undertaken in Australia for tens of thousands of years. A changing climate and longer, dryer and hotter fire seasons, has created difficulties for traditional hazard reduction burning. Additionally, many Inquiries discuss back burning.

Numerous Recommendations have been made in relation to both fuel reduction/hazard reduction burning as well as back burning:

<i>Recommendation 1,</i> (2003 Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod)	The ACT Bushfire Fuel Management Plan should be reviewed in the light of changed circumstances since the January 2003 fires. Increases emphasis should be given to controlled burning as a fuel-reduction strategy.
<i>Recommendation 2,</i> (2003 Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod)	The Victorian Code of Practice for Fire Management on Public Land should be used as a 'best-practice' guide when revising the ACT Bushfire Fuel Management Plan and a similar set of priorities should be developed in relation to zones identified in the Plan.
<i>Recommendation 5</i> (2003 Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod)	A public information strategy should be prepared to educate the ACT community about the beneficial and protective aspects of fuel-reduction burning and about the degree of inconvenience that will inevitably result for ACT residents during such burning. This should accompany the public launch of the revised Bushfire Fuel Management Plan.
<i>Recommendation 6</i> (2003 Inquiry into the Operational Response to the January 2003 Bushfires in the ACT. R.N. McLeod)	The approval process for individual fuel-reduction burns that are consistent with the government-approved Bushfire Fuel Management Plan should be simplified so as to enable the limited time when the weather conditions are right to be used to maximum advantage.
1.2 Hazard Reduction, Recommendation 2 (2002 Report on the Inquiry into the 2001/2002 Bushfires,	That by 30 March 2003, all state land management agencies should prepare schedules, identifying those areas within their tenures where hazard reduction activity has been planned but postponed in the previous 36 months.

<p>Joint Select Committee on Bushfires, Parliament of New South Wales, Legislative Assembly. J. Price, Chair)</p>	
<p><i>Recommendation 10</i> (2002 Report on the Inquiry into the 2001/2002 Bushfires, Joint Select Committee on Bushfires, Parliament of New South Wales, Legislative Assembly. J. Price, Chair)</p>	<p>That consistent with the emphasis on coordinated bushfire fighting, there be ongoing cooperation between the planning and operational arms of the land management agencies and the firefighting authorities in the implementation of hazard reduction plans as well as in firefighting activities.</p>
<p><i>Recommendation 11</i> (2003 House of Representatives Report, "A Nation Charred")</p>	<p>The Committee recommends that the Commonwealth seeks to ensure that the Council of Australian Governments implements arrangements in which greater flexibility is devolved to local brigade captains in the issuing of permits to burn for fuel reduction and other purposes in the context of local fire management plans.</p>
<p><i>Recommendation 12,</i> (2003 House of Representatives Report, "A Nation Charred")</p>	<p>The Committee recommends that the Commonwealth through the National Heritage Trust, offer assistance to the states and the Australian Capital Territory to develop specific prescribed burning guides, at least to the quality of Western Australia, for national parks and state forests through out the mainland of south eastern Australia.</p>
<p><i>Recommendation 13,</i> (2003 House of Representatives Report, "A Nation Charred")</p>	<p>The Committee recommends that the Commonwealth seek to ensure that the Council of Australian Governments seek agreement from the states and territories on the optimisation and implementation of prescribed burning targets and programs to a degree that is recognised as adequate for the protection of life, property and the environment. The prescribed burning programs should include strategic evaluation of fuel management at the regional level and the results of annual fuel management in each state should be publicly reported and audited.</p>
<p><i>Recommendation 14,</i> (2003 House of Representatives Report, "A Nation Charred")</p>	<p>The Committee recommends that, as part of its study into improving the effectiveness of prescribed burning, the Bushfire Cooperative Research Centre establish a national database that includes areas targeted for fuel reduction, the area of fuel reduction achieved based on</p>

	<p>a specified standard of on ground verification and the season in which the reduction was achieved. The Committee also recommends that in developing this database the Cooperative Research Centre develop a national standard of fire mapping, which accurately maps the extent, intensity, spread and overall pattern of prescribed and wildfires in Australia.</p>
<p><i>Recommendation 24, 2009 Victorian Bushfire Royal Commission Final Report</i></p>	<p>The Country Fire Authority and the Department of Sustainability and Environment amend their procedures for investigating safety incidents and 'near-misses' to ensure that all dangerous incidents, including back-burns, are fully investigated and that all relevant people are consulted and informed of the results.</p>
<p><i>Recommendation 25, 2009 Victorian Bushfire Royal Commission Final Report</i></p>	<p>The Country Fire Authority and the Department of Sustainability and Environment require without exception that all relevant staff be trained in the need for Incident Controller approval to be obtained before a back-burn is lit.</p>
<p><i>Recommendation 91 (Part A), 2013 Tasmanian Bushfires Inquiry</i></p>	<p>That Tasmania Fire Service conducts a review of the fire permit system in the Fire Service Act 1979, and implements change to improve the efficiency and effectiveness of the system by:</p> <ul style="list-style-type: none"> • considering whether it is appropriate to authorise persons or organisations to conduct fuel reduction burning during a permit period • providing a better match between the period, area and fire risk • maintaining a timely and efficient process for issuing permits • naming the period in a way that draws attention to bushfire risk • establishing a reporting and accountability process.

END OF BRIEF



United Firefighters Union Victorian Branch

ABN 74 030 569 265

410 Brunswick Street
Fitzroy Victoria 3065
Australia
Email: officeadmin@ufuvic.asn.au
Phone: (03) 9419 8811

Website: www.ufuvic.asn.au
Fax: (03) 9419 9258

Template Letter

16 January 2020

Copy of letter and brief sent to Prime Minister Scott Morrison: Foreshadowed federal Royal Commission, and the UFUA proposal of a Council of Australian Governments Audit Committee to review existing Recommendations

I respectfully write to you to in the context of the current public discussion in relation to the suggested foreshadowing of a new, federal Royal Commission into the current Australian bushfires.

I respectfully attach to this correspondence the letter and brief sent to the Hon. Scott Morrison MP, Prime Minister of Australia, this week.

By way of brief overview, and to avoid repetition of what is outlined in the attached letter and brief, we respectfully submit that there are several reasons as to why a new, federal Royal Commission should not be established.

The following reasons were provided to the Prime Minister and his Office in a constructive context and with the experience of having had extensive involvement in previous fire-related Inquiries, including the 2009 Victorian Bushfires Royal Commission:

1. Most matters that would be considered under a new, federal Royal Commission – if not all – have previously been canvassed by extensive fire-related Inquiries. These matters include deployment of defence force personnel; climate change and extreme **weather events; greater national coordination or "interoperability"; prescribed burning/fuel reduction; aerial capability; and the role of the Commonwealth;**
2. A Royal Commission is a costly, lengthy process and, in a national context, could become so large that it could, in effect, potentially become unworkable;
3. Hearings and cross-examination of witnesses – particularly lay witnesses – is often a gruelling, emotional experience as the witness is forced to relive the trauma of the fire;
4. Royal Commissions are simply commissions of inquiry, and Royal Commission Recommendations are not binding in any way on state or territory governments or other bodies and persons;

5. Tragically, there have been fire-related deaths in three states this fire season. As such, legislated state-based inquiries, such as Coronial Inquests, will take place.
6. Additionally, states and territories may conduct their own investigations and issue findings or recommendations that bear significant weight. Two states, being Victoria and New South Wales, have already announced state-based inquiries.

I respectfully reiterate the constructive nature in which this information has been provided to the Prime Minister. Though the twenty-page brief is by no means exhaustive, it provides a snapshot of the extent of inquiry into key fire-related issues over the years.

As such, the UFU respectfully submits that a more efficient use of public monies would be the establishment of a COAG Audit Committee with adequate resources to collate and analyse previous federal, state and territory Recommendations. We understand that this is the official forum where State/Territory Premiers and Ministers are able to discuss matters of a national importance to ensure cohesion.

We should be looking to lessons already learnt from previous inquiries, as opposed to calling a new, federal Royal Commission and adding to the myriad Reports and Recommendation gathering dust on the parliamentary shelves. Indeed, in recent days, this view has been publicly supported by legal and industry experts, as well as the peak body representing fire services in Australia, the Australasian Fire and Emergency Service Authorities Council.

We submit this in the spirit of cooperation and goodwill.

Please note that I can be available via phone or in person to discuss this matter in further detail with Government Officers and/or your Staff. Should your Office wish to contact me, my direct number is 0419 127 004.

Yours Sincerely,



Peter Marshall

Branch Secretary

ATTACHED:

- Letter to the Hon. Scott Morrison MP, Prime Minister of Australia
- **Briefing paper ("Brief: Australian bushfires and the case against a federal Royal Commission")**