

ROYAL COMMISSION INTO NATIONAL NATURAL DISASTER ARRANGEMENTS

HEARING BLOCK 2

WEEK 1 - HAZARD REDUCTION MEASURES

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Commissioners, over the next three days, our hearings turn to hazard risk reduction measures to mitigate the serious impact of bushfires on people, communities and the built and natural environment.

We will focus our investigation on ‘prescribed’ or ‘planned’ burning measures, mechanical fuel load reduction, other methods such as livestock grazing, as well as indigenous land and fire management practices.

We will hear evidence that prescribed burning involves the deliberate application of fire to a pre-determined area under specific conditions (or prescriptions) to achieve resource management objectives.

That is, how we use fire to fight fire in advance of the fire season.

Where undertaken for hazard reduction purposes, prescribed burns are intended to burn slowly and less intensely than a bushfire, and are intended to reduce the mass, and alter the structure, of fuels on, or close to, the ground.

It is common ground that prescribed burns can *mitigate* but will not *eliminate* the risks associated with bushfire. The objective of these burns is to support other risk management measures including fire suppression, urban planning and building regulations.

In these hearings we will also explore other measures of managing or controlling fuels, including mechanical clearing – such as mowing, slashing or thinning, - applying herbicides, and grazing with livestock.

These hearings respond directly to 3 parts of your terms of reference.

Term of reference (b) requires the Royal Commission to inquire into *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.

Term of reference (f) requires the Royal Commission for the purposes of its inquiry and recommendations *to have regard to the 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 land management, and hazard reduction measures.*

And term of reference (g) requires the Royal Commission to have regard to *any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.*

In preparing for these hearings, a substantial number of compulsory notices have been issued to fire management authorities, scientists, researchers, environmental academics and the broader community, which material will be tendered in evidence.

That material, together with the Commission's literature review published yesterday on the website, expose a considerable debate as to the effectiveness and benefits of different vegetation-related hazard reduction activities.

These debates were also present in many of the public submissions lodged with the Commission.

This morning we will commence with a consideration of the Commonwealth government's responsibilities in hazard reduction, the division of responsibilities as between the Commonwealth and States and Territories, and explore a national overview of Australia's forests and their tenure, management and relationship with fire.

We will then move to a panel of academic experts who will address the different types of hazard reduction activities, including prescribed burning, identifying the common ground and knowledge gaps, the current research and the opportunities for improving the Commonwealth's role in co-ordination and information sharing.

Then this afternoon and tomorrow we will move to the heart of these hearings. We will run 4 panels consisting of representatives of the various State and Territory government agencies involved in fire risk management and hazard reduction planning and implementation.

Through these panels, we will hear about the “what”, the “why” and the “how”:

- what are the drivers of fuel load management?
- why is fuel load management undertaken?
- how is the hazard risk to people, communities and the environment sought to be reduced, and
- what is done to measure the effectiveness of those hazard reduction activities?

The states and territories currently use different fuel load management strategies, in part because they have different natural environments, although there are commonalities across the jurisdictions. The Commission would therefore be assisted by these witnesses so as to better understand the different objectives and priorities, the strategic decisions that are made, and the variety of approaches to different types of land tenure.

From our first hearings, the Commission would also have an appreciation of context. A major limiting factor on the efficacy of prescribed burns is fire-weather. There appears broad agreement that once the forest fire danger index (referred to as the FFDI) exceeds 50 (that is, severe, extreme and catastrophic fire weather conditions), bushfires become ‘weather dominated’. In these circumstances, fuel loads and fuel structure have limited influence on fire behaviour.

The evidence also indicates that the majority of bushfire-related property losses occur in weather-dominated fires, when the FFDI exceeds 50 – as happened in the 2019/2020 bushfire season. Of course, such conditions do not persist continually for extended periods, and where conditions moderate, there are opportunities for suppression that could be assisted by reduced fuel loads. Reduction in fuel loads, even in extreme conditions, should reduce fire intensities and consequent risk.

Put simply, even at the extreme, if there is no fuel, there can be no fire.

This is of critical importance at the bush-urban interface. So we will continue our investigation of hazard reduction activities by next focussing on measures taken on private land.

One theme emerging from the public's submissions was the uncertainty and complexity in navigating the bureaucracy when individuals and businesses want to take personal responsibility for managing hazard risk.

Last week, the Royal Commission issued a compulsory notice to each of the States and Territories requiring them to respond to 5 scenarios developed in light of those public submissions along with a detailed series of questions, which I will set out in a moment. As to the scenarios:

- In Scenario 1, a Home Owner in a rural urban interface bordering a state forest wants to upgrade their home and clear vegetation and trees to create a firebreak.
- In Scenario 2, a farmer in a rural area wants to minimise bushfire risk by undertaking hazard reduction burns on their property, mechanical clearing of a portion of the forested bushland on their property, and to graze their livestock in the bordering national park.
- In Scenario 3, a property developer wants to build a residential development bordering a threatened ecological community.
- In Scenario 4, a public agency is tasked with building public telecommunications infrastructure in forested bushland in a rural area.
- And in Scenario 5, a land owner has noticed vegetation growing up to the edge of a public road that runs through their property, which has not been cleared for some time and which they consider to be a bushfire risk.

Each State and Territory has been required to describe the planning and environmental laws and regulations that apply to these activities, to identify any thresholds at which the activity does not trigger regulatory requirements, or at which requirements will vary, to identify which organisations or people must be contacted during these processes, and to identify what prescribed forms need to be completed during any of these processes.

The States and Territories must also identify what is the prescribed timeframe for providing decisions about the proposed activity, together with average processing times and possible ranges in practice; what costs will be incurred by the person or business in completing these processes; what are the legal ramifications of non-compliance or mistakes; and finally, what guidance or other assistance is available to help people and businesses navigate these government processes.

Commissioners, we expect to tender the State and Territory responses on Thursday, and make them available to the public on the Commission's website soon after. We will also take up this issue of navigating the bureaucracy with the Commonwealth this morning, and again next week when we turn our attention to Local Councils.

On Thursday we will also hear from the forestry and agricultural industries and their perspectives on fuel load management. Yesterday's background paper published on the website on *Fuel Load Management* acknowledged that there is limited research or scientific study of the use of livestock grazing as a fire management technique, although it acknowledged a recent European study which identified grazing as a practice particularly relevant at the interface of urban and densely vegetated areas. We will also seek to explore the extent to which their livelihoods are factored into assessments of risk and mitigation.

To conclude this week's hearings, we will turn to indigenous land and fire management practices. We will hear from Indigenous practitioners and state and territory government agency representatives on the relationship between cultural burning and indigenous knowledge and hazard reduction frameworks.

Yesterday, the Royal Commission also released a background paper on *Cultural Burning Practices in Australia*. 'Cultural burning' is the term used to describe burning practices developed by Indigenous Australians to enhance the health of the land and its people. A common phrase repeated about cultural burning is "the canopy is sacred", or that "you do not burn the canopy". The canopy provides shelter and shade, habitat for animals, flowers and the seedbed for the next season. A cool fire should not touch the canopy. A hot fire may destroy it.

Indigenous Australians have used fire to shape and manage the land for over 60,000 years. Whilst these practices have been widely disrupted over a number of generations, the evidence will show that there is a growing recognition of the value of cultural burning. The majority of cultural burning occurs in Northern Australia, with over 70% of projects occurring in the Northern Territory, Queensland and Western Australia. In the southern states, partnerships with industry, research institutions and governments are reinvigorating the use of cultural burning, and hybrid systems of land management are being developed.

Finally, I want to say a little more about the public submissions lodged with the Commission, and also the status of the Royal Commission's ongoing investigations.

Yesterday the Royal Commission published on its website most of the public submissions it has received to date. Commissioners, since 2 March, 1,735 submissions were received, covering a range of issues. Over 1,000 have now been published on the website. The submissions offer insights into the lived experience of people affected by natural disasters in Australia. The submissions also provided an opportunity for individuals and organisations to share their knowledge and expertise on issues related to the Commission's terms of reference.

1,302 submissions were received from individuals. Of these, 48% reported being directly affected by the 2019/2020 bushfire season, some in multiple ways

- 45% reported living in a bushfire affected area
- 22% reported being evacuated
- 22% reported suffering a personal or financial loss

The Royal Commission also published an interactive map which shows many of the individuals who made a submission are located in severely fire affected areas. The map was developed using an online tool designed to support Australian government agencies to share data. The map allows data to be overlaid to better understand the built, natural and social environments impacted by the bushfires.

People can also continue to contribute to the Commission's work through the 2019-20 Bushfire History Project by submitting videos or photographs taken during the bushfires or the ongoing recovery. The collection of material will be catalogued to allow future generations to understand what happened during the 2019-2020 bushfires and their devastating impact on people and communities. Commissioners, we also expect in future hearings to tender in evidence some of the material collected as part of that project.

The last matter is a brief update on the Commission's compulsory information gathering processes. As at 11am yesterday, the Commission had received 98 responses to notices to produce documents, 214 responses to Notices to Give Information and Witness Statements, had received 26,257 documents numbering some 320,682 pages of material. We expect yet more compulsory notices to be issued in coming days to enable final preparation of the upcoming hearings on the responsibilities and actions of Local Government, State and Territory Governments and the Commonwealth Government, with respect to natural disasters in Australia.