16. **URGENT BUSINESS APPROVED BY DECISION**

**Item: 16.1**

**Draft Fire Mitigation Policy**

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File Ref: D19/6398

Applicant

WA Farmers

**Location/Address**

N/A

**Executive Summary**

To consider the Senior Bushfire Control Officers’ response to a draft Fire Mitigation Policy that has been prepared by WA Farmers and submitted to the Shire of Esperance for consideration.

**Recommendation in Brief**

That Council

1. Thanks WA Farmers for its initiative in developing the draft fire Mitigation Policy. And;

2. Request the chairman of the South East Fire Working Group to provide a briefing to WA Farmers before Council gives further consideration to the Draft Fire Mitigation Policy.

**Background**

WA Farmers wrote to the Shire of Esperance in mid – 2018, providing a copy of their draft Fire Mitigation Policy (attached).

The draft policy is a response to the catastrophic fire events in Western Australia in 2015 (the Esperance Fires) and 2016 (the Yarloop fire) and seeks to have the Western Australian Government “reform fire mitigation protocols and structures to limit the number of wild bushfires experienced in WA; and minimise the impact fires have on Western Australian communities”. And it is proposed that the following measures be implemented to achieve that objective”

- **Establishment of a new ring fenced Fire Mitigation trust fund, jointly funded from Royalties for Regions and the Federal Government ..., with the charter of generating indefinite funding for ongoing fire mitigation works in the areas of Crown land immediately surrounding and within a buffer width of 5km or suitable distance from private property.**

- **Prioritisation and coordination of hazard reduction burning to be devolved away from government departments, with management to be assumed by local fire brigades, in coordination with Local Government and overseen by a dedicated state-wide Fire Mitigation Board, which importantly must be allowed to be independent of the Departments of Emergency Services and Parks and Wildlife.**

- **Certification process for Service Providers (including private contractors and/or brigades) to become accredited to undertake hazard reduction burns and other mitigation works in Crown Land, which necessarily includes risk underwriting for the Service Providers in the event of unintentional losses resulting from fire mitigation activities on Crown land.**
• Enactment of clear long term guidelines allowing and facilitating mitigation works to be conducted, including environmental and heritage clearances, that don’t impede or cause delays in the ongoing performance of those duties.

Independent of the draft policy being developed, we saw the establishment of the Rural Fire Division of DFES and subsequent establishment of the South East Fire Working Group (SEFWG), which includes the representation from DFES, DBCA (Parks and Wildlife) and the Shires of Esperance, Ravensthorpe and Jerramungup. This was DFES’s mechanism to ensure the State Government’s increased allocation of funding for fire mitigation within UCL was directed most effectively, and in close collaboration with those who have local knowledge.

**Officer’s Comment**

The draft policy seeks to tackle the concerns that most people would hold following the events of 2015 and 2016. And in some respects it identifies the issues well, but it does seem to overlook some of the practical considerations. For example, it does not seem to recognise that a State Government would be unable to commit a federal government to contribute to a fund established for the management of reserves managed by the state. Or; that the state could devolve responsibility for hazard reduction from state agencies to local volunteer brigades without a complex and probably unmanageable legal framework to address the state and federal government’s financial obligations and competing interests such as environmental protection and heritage. These are not insurmountable issues but they will severely limit the effectiveness of the approach proposed by WA Farmers.

The purpose of the SEFWG is to address many of the same issues identified by WA Farmers. It is developing and implementing a long term holistic approach to fire mitigation on unallocated crown land. To date the working group while still in its infancy has shown itself the potential to be a very effective mechanism for the allocation of resources and whilst history tends to justify the skepticism of WA Farmers, the initial work of the SEFWG, with its representation from key local and state government agencies has been very promising.

The Shire’s Senior Bush Fire Control Officers’ Group did not consider the proposed policy at its pre-season meeting as originally intended but has now had the opportunity to give it consideration after the establishment of the Rural Fire Division and the SEFWG. The senior officers seem generally supportive of the current arrangement and the opportunity it provides for greatly enhanced fire mitigation works to be undertaken on a regional basis, using the resources of the state with greatly increased input from the local level.

The policy proposal from WA Farmers is a commendable initiative but has, to some extent, been overtaken by the establishment of the RFD and SEFWG. On this basis it would seem wise to allow the SEFWG to provide a briefing to WA Farmers before any decision is made to endorse or decline to endorse the proposed policy.

**Consultation**

Shire of Esperance Senior Bushfire Control Officers Group

**Financial Implications**

Endorsement or rejection of the proposed policy does not have an immediate or direct financial implication.

**Asset Management Implications**

Nil
Statutory Implications
Nil

Policy Implications
Adoption of the WA Farmers’ draft policy, in its current form, would be inconsistent with the Shire of Esperance’ current commitment to the South East Fire Working Group.

Strategic Implications
Strategic Community Plan 2017 - 2027
Natural Environment
A community that works together as custodians of a pristine environment
Maintain and improve condition of natural assets and reserves sustainably, taking into consideration recreational, environmental, cultural and economic values

Environmental Considerations
Nil

Attachments
A⇩. WAFarmers Draft Fire Mitigation Policy

Officer’s Recommendation
That Council
1. Thanks WA Farmers for its initiative in developing the draft Fire Mitigation Policy; and
2. Request the chairman of the South East Fire Working Group to provide a briefing to WA Farmers before Council gives further consideration to the Draft Fire Mitigation Policy.

Voting Requirement Simple Majority
POLICY GSC1/2016-02

The catastrophic fire tragedies of November 2015 and January 2016 in Western Australia have highlighted the unacceptable losses that can result from high fuel loadings and insufficient fire mitigation works in the vast native vegetation reserves surrounding populated areas of the state. In these two events alone, 6 lives were taken, hundreds of homes, thousands of livestock and over 100,000 hectares of high value crops and pastures were all destroyed in the most horrific circumstances imaginable.

WA Farmers urge the Western Australian Government to reform fire mitigation protocols and structures to limit the number of wild bushfires experienced in WA; and minimise the impact fires have on Western Australian communities. This can be achieved by implementing the following:

- Establishment of a new ring fenced Fire Mitigation trust fund, jointly funded from Royalties for Regions and the Federal Government (refer Addendum 2, Productivity Commission Inquiry into Natural Disasters), with the charter of generating indefinite funding for ongoing fire mitigation works in the areas of Crown land immediately surrounding and within a buffer width of 5km or suitable distance from private property.

- Prioritisation and coordination of hazard reduction burning to be devolved away from government departments, with management to be assumed by local fire brigades, in coordination with Local Government and overseen by a dedicated state-wide Fire Mitigation Board, which importantly must be allowed to be independent of the Departments of Emergency Services and Parks and Wildlife.

- Certification process for Service Providers (including private contractors and/or brigades) to become accredited to undertake hazard reduction burns and other mitigation works in Crown Land, which necessarily includes risk underwriting for the Service Providers in the event of unintentional losses resulting from fire mitigation activities on Crown land.

- Enactment of clear long term guidelines allowing and facilitating mitigation works to be conducted, including environmental and heritage clearances, that don't impede or cause delays in the ongoing performance of those duties.
ADDENDUM 1

Qualifying comments/facts

- **Facts from the November 2015 Esperance fires:**
  - A large number of dry lightning fires, in excess of 20, were sparked in the same system of storms that started the Cascades, Merivale and Cape Arid fires on Sunday 15th November 2015; however most of these lightning strikes fell on private properties.
  - Of the lightning strikes on private property, without exception, every fire was extinguished within minutes or hours as a result of landholders having installed suitable firebreaks, access roads, water supplies and fire mitigation equipment, as expected and required by law.
  - Of the Cascade, Merivale and Cape Arid fires, none were able to be controlled despite the concerted efforts of significant numbers of firefighters and resources prior to Tuesday 17th November 2015.
  - The conditions on Sunday 15th November could be described as slightly volatile and warm, but not so extreme that small blazes could not be controlled.
  - Fuel loadings in the Crown Land Reserves in question were extreme, having rarely been burnt in a coordinated fashion since the demise of traditional Aboriginal stewardship of the wider area.
  - There is compelling photographic evidence of the effectiveness of the few remaining "chained" breaks at Cascade, with aerial images showing the November wildfire completely self-extinguished along the full length of one such break.
  - Although firebreaks and gridded survey lines were once installed across and throughout the Reserves, in the whole they have not been maintained for several decades. In fact some local attempts to reinstate them have been effectively prohibited by the relevant Environmental departments.
  - Factors known to have impeded the successful control of the Cascade, Merivale and Cape Arid fires prior to Tuesday 15th November included:
    - **Little or no access into the fire origin** for heavy equipment including bulldozers and fire units. Instead of bulldozers having ready access into the fire source via survey tracks, they were required to actually create these pathways through dense vegetation in order to get to the fire. Several breakdowns resulted from this unnecessary vegetation clearing work, causing delays which subsequently proved fatal to the success of the fire containment operation. As a direct result the Cascades, Merivale and Cape Arid fires simmered gently, but unabated, through the mild weather of Sunday 15th and Monday 16th November, ready to become the devastating wildfires we witnessed in the extreme weather conditions of Tuesday 17th November.
- When the Cascade fire reached private property around midday on Tuesday 17th November, the conditions and high fuel loading against the border with private property were such that the fire was now travelling at speeds and with a ferocity previously never recorded, anywhere in the world. Under these circumstances there is no known method for preventing the advancement of a fire front; all that could be done was to try to extinguish the flanks once the main front had passed through. Accordingly any broadlyscale property in the path of the fire was effectively indefensible, and completely at the mercy of the then rapidly escalating weather conditions.

Qualifying comments:

- Volunteer Fire Brigades:
  - Local brigades have the best knowledge of their local environment and climate.
  - It is also under reported but wholly true that Volunteer fire brigades are typically the front line at any rural fire emergency, and in many cases the only line of defence at a rural fire, regardless of the fire originating in private property or Crownland.
  - Volunteer fire brigades are disciplined, organised and motivated, with a clearly defined and respected chain of command including Local Government and DFES, which works very effectively both in emergency management, as well as in a social and community context.

- A recent Productivity Commission review illustrated the overwhelming cost effectiveness of mitigation as compared to emergency management, highlighting a saving of $11 in emergency management for every $1 spent on mitigation. The Federal Government has spent $12 billion on Emergency Management since 2009, whilst only spending 3% of that amount on mitigation. The report strongly recommends more Federal government funding for mitigation. A full summary of the Productivity Commission Review is attached to this document as Addendum 2.

- Competitive privatisation and decentralisation of mitigation activities will result in a lowest cost, efficient, and most importantly, effective outcome.

- Environmental effects:
  - Australian native woodlands, under the stewardship of the Aboriginal people, evolved with and are dependant upon regular low intensity fire events
  - Cool fires performed strategically, such as Mosaic burning, have minimal negative effects on native fauna
  - Wildfires are profoundly catastrophic to native fauna
  - The wildfires in Merivale and Cape Arid had the potential to completely destroy the only known remaining population of the critically endangered Western Ground Parrot
  - Wildfires devastate native vegetation sufficiently that introduced weed species can become endemic in the absence of surviving native vegetation. Controlled burns stimulate rapid regeneration of native vegetation, thereby out-competing introduced grasses and other species.
• Political implications:
  o Governments at every level are subject to ever tightening financial constraints, and any new spending commitments require strong community support to avoid political fallout.
  o The tragedies in Esperance and Yarloop have galvanised the Western Australian community in shock at the devastation caused by fires. Support is strong across all political persuasions for meaningful reform in Fire Mitigation in Western Australia.
  o While it may be argued that fire mitigation should be funded from general revenue, and as such not by Royalties for Regions, the reality in the current climate is that voters would strongly endorse R4R funds being used in this way, and this use of R4R would bolster support for the R4R principle well into the next electoral cycle.
  o Devolving Fire Mitigation to the regions and installing in-perpetuity Environmental and Heritage approvals reduces the potential ongoing direct risk to Government from managing fire mitigation, both economically and politically.

• It is well documented that the frequency and severity of extreme fire weather is likely to increase as a result of Climate Change. A new approach is required to manage a new threat.
• As owner and manager of Crown Land Reserves in Western Australia, the State Government has both a moral and legal responsibility to minimise the risk of harm to its neighbours from fire originating within its property. A drastic change is required before it can be said the Crown is fulfilling its obligations, on either of these counts.

Other comments

Other compounding factors that are significant and must be resolved, but are not addressed by this policy, include:

• Failures of communication networks, particularly Emergency Service repeater stations and mobile phone towers, as a result of inadequate backup power supplies which were needed when the mains power supply became damaged by the fire. Any phone towers that retained power were then overloaded by the intense bandwidth demand, and became effectively inoperable also. This communication failure undoubtedly contributed directly to the loss of life.

• Lack of resources and authority of local volunteer fire brigades, including insufficient detailed maps and access to water bombing aircraft, which were deemed necessary once it was apparent that early containment by the heavy machinery was likely to be unsuccessful.
ADDENDUM 2

Key Points from the Australian Productivity Commission Inquiry Report into Natural Disaster Funding

"This report was sent to Government on 17 December 2014 and publicly released on 1 May 2015. It looks at the efficacy of current national natural disaster funding arrangements, taking into account the priority of effective natural disaster mitigation and the reduction in the impact of disasters on communities."

- Australia is exposed to natural disasters on a recurring basis. Effective planning and mitigation of risks is an essential task for governments, businesses and households.

- Current government natural disaster funding arrangements are not efficient, equitable or sustainable. They are prone to cost shifting, ad hoc responses and short-term political opportunism. Groundhog Day anecdotes abound.

- Governments overinvest in post-disaster reconstruction and underinvest in mitigation that would limit the impact of natural disasters in the first place. As such, natural disaster costs have become a growing, unfunded liability for governments.

- The funding arrangements matter because they impact the incentives to manage risks, including by using potent but politically challenging levers like land use planning. The reform imperative is greatest for states most exposed to natural disaster risk, like Queensland.

- The recommended reforms comprise a coherent policy package across recovery and mitigation funding, budget treatment of recovery costs, and accountability requirements for all governments. 'Cherry picking' component parts would see the much needed balance between mitigation and recovery, as well as greater state autonomy, remain elusive.

- Australian Government post-disaster support to state and territory governments (states) should be reduced, and support for mitigation increased. Greater budget transparency and some provisioning is also needed.

- States need to shoulder a greater share of natural disaster recovery costs to sharpen incentives to manage, mitigate and insulate against these risks. The Australian Government should provide a base level of support to states commensurate with relative fiscal capacity and the original 'safety-net' objective of disaster recovery funding, with the option for states to purchase 'top-up' fiscal support.

- Australian Government mitigation funding to states should increase to $200 million a year and be matched by the states.

- These reforms would give state and local governments autonomy in how they pursue disaster recovery and mitigation. The reforms should be supported by performance and process-based accountability mechanisms that embed good risk management.

- Governments have a role in providing emergency relief payments to individuals seriously affected by natural disasters, to defray immediate economic and social hardship. Such relief should be provided in a consistent, equitable and efficient way.

- Governments can do better in terms of policies that enable people to understand natural disaster risks and also to give them the incentive to manage the risks effectively.

- Information on hazards and risk exposure has improved significantly in recent years, but there are opportunities to improve information consistency, sharing and communication.
• Regulations affecting the built environment have a significant influence on the exposure and vulnerability of communities to natural hazards. While building regulations have generally been effective, there is a need to transparently incorporate natural disaster risk management into land use planning.

• Insurance is an important risk management option. Insurance markets in Australia for natural disaster risk are generally working well, and pricing is increasingly risk reflective. Insurers can and should do more to inform households on their insurance policies, the natural hazards they face and the indicative costs of rebuilding after a natural disaster.
17. MATTERS BEHIND CLOSED DOORS