

STANDING COMMITTEE ON LEGAL AFFAIRS

**Inquiry into ACT Fire and Emergency
Services Arrangements**

ISSUES PAPER

December 2007

The ACT Legislative Assembly's Standing Committee on Legal Affairs invites feedback on the matters raised in this Issues Paper.

If you are interested in responding, please send your comments by email or post to the Committee no later than **1 February 2008**.

Electronic lodgement is preferred.

The e-mail address is <committees@parliament.act.gov.au>

The address for correspondence is

**The Secretary
Standing Committee on Legal Affairs
Legislative Assembly for the ACT
GPO Box 1020, CANBERRA ACT 2601**

Submissions must include your full name, postal address and telephone number.

Further information about making submissions is available from the Committee Office ph: 02 6205 0127, or via the Committee Office web page <www.parliament.act.gov.au>.

Committee Membership

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Chair 22 September 2006)

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Resolution of Appointment

On 7 December 2004 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Legal Affairs:

to perform the duties of a scrutiny of bills and subordinate legislation committee and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, governance and industrial relations, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services.

Inquiry Terms of Reference

On 22 May 2007, the Standing Committee on Legal Affairs resolved to undertake an inquiry into ACT fire and emergency services arrangements. On 5 June 2007 the Committee formalised its terms of reference for the inquiry and advised the ACT Legislative Assembly that, in light of recent bushfire events including the 2001 and 2003 fires, the Standing Committee on Legal Affairs would:

- 1) Assess issues raised and recommendations made in the McBeth and McLeod reports, the 2003 bushfire coronial report and other relevant reports
- 2) Investigate and inquire into:
 - a) current and proposed structural arrangements in ACT Fire and Emergency Services
 - b) resource issues
 - c) operational processes and procedures; and
 - d) any other relevant matters.¹

¹ Legislative Assembly for the ACT, *Minutes of Proceedings No 103*, 5 June 2007.

Terminology

Built up area	means an area declared to be built up under the Emergencies Act 2004 and typically means the existing Canberra urban areas. ²
Bushfire Abatement Zone	means a bushfire abatement zone declared under the Emergencies Act 2004. The purpose of the Bushfire Abatement Zone (BAZ) is to reduce the impact of bushfires on the built up areas within the ACT. In addition to the primary BAZ around the built up area of Canberra, the BAZ includes three outlying areas (Uriarra Village, Pierces Creek Village and the Tidbinbilla Tracking Station).
Bushfire Operational Plan	means a bushfire operational plan for unleased Territory Land, Territory Land or land in the bushfire abatement zone. means a bushfire operational plan for unleased Territory Land, Territory Land or land in the bushfire abatement zone. BFMP p10 The Bushfire Operational Plan is identified as a mechanism by which land managers of unleased lands and Territory land plan and specify operational works and account for bushfire prevention, preparedness, response and recovery. Bushfire Operational Plans set out the manner in which a particular parcel or area of land is managed for bushfires and defines activities consistent with the Strategic Bushfire Management Plan.
Hazard	means a thing or situation with potential to cause death or harm to a person and damage to property or the environment.
Leased Territory Land	is land that has been leased to an individual or group.
preparedness	measures to ensure that community resources and services are ready to respond to routine, major and complex incidents.
Prescribed burning	also referred to as fuel-reduction burning, hazard-reduction burning or cool burning involves the controlled application of fire under specified environmental conditions to a predetermined area and at a time, intensity and rate of spread required to attain planned resource management objectives. These objectives may include habitat management, fuel reduction, species regeneration or maintenance of ecosystem health Fuel reduction burning generally aims to reduce the amount of ground fuels including grass, leaf litter and twigs, elevated fuels, including dead suspended fuel material and shrub layers in forests as well as bark on trees.

² The majority of the Terminology above are drawn from: ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 10.

prevention	measures taken in advance of an emergency to decrease or eliminate impact on the community and the environment.
Public Land	is a term not used to refer to lands of the Territory, with specific meaning under the Land (Planning and Environment) Act 1991, it includes land uses such as parks, wilderness, nature reserves and special purpose reserves.
recovery	measures undertaken to restore the operational readiness of the units involved and contribute to support effected individuals and the community.
response	the deployment of adequate weight of response by ambulance, fire brigade, rural fire service and state emergency service units.
Rural area	is the area of the ACT outside the declared built up area.
Territory Land	is land gazetted under the ACT Planning and Land Management Act 1988 managed by the ACT Government on behalf of the Australian Government.
Unleased Land	is all land in the ACT that is not under lease and includes ACT Forests' land and public land uses such as parks, wilderness and nature reserves.
Urban Edge	is not a defined distance and includes urban and non-urban areas.
Urban Interface	is the edge of the urban area where it meets non-urban land uses.

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1 INTRODUCTION

1.1 The issue of ACT fire and emergency services arrangements has been a significant area of debate and subject to numerous government inquiries, as well as ongoing public scrutiny for over a decade. Recent events such as the 2003 bushfires have reminded the ACT community that the urban areas are vulnerable to bushfires and have intensified discussions on how the ACT Government can best manage bushfires in the Territory and surrounding regions.

1.2 The Standing Committee on Legal Affairs adopted the following terms of reference to help assess the adequacy of current emergency prevention, preparedness, response and recovery policies and processes as well as Emergency Services structural arrangements and resourcing:

In light of recent bushfire events including the 2001 and 2003 fires, the Standing Committee on Legal Affairs would:

Assess issues raised and recommendations made in the McBeth and McLeod reports, the 2003 bushfire coronial report and other relevant reports

Investigate and inquire into:

- *current and proposed structural arrangements in ACT Fire and Emergency Services*
- *resource issues*
- *operational processes and procedures; and*
- *any other relevant matters.*

1.3 As a first step in the inquiry process the Committee decided to release an issues paper, in part to provide an assessment of the numerous reviews which have taken place over the last decade and also to provide a starting point for the current inquiry. The Committee considered that such an approach would enhance its understanding of the key issues and support the public submission and hearings phase of the inquiry.

- 1.4 This issues paper aims to provide an overview of the current status of emergency service provision in the ACT. The paper considers the issues raised and recommendations made in the McBeth³ and McLeod⁴ reports, the 2003 bushfire coronial report⁵ and other relevant reports.⁶ The paper is structured as follows:
- a background section on the role of the Emergency Services Agency (ESA) and the four services comprising it;
 - a brief history of the structure of emergency service provision in the ACT;
 - a discussion of the key issues around emergency services structure, operations and relevant legislation, practices and policies.
- 1.5 The paper focuses on those services primarily involved in the prevention, preparedness, response and recovery to bushfire events, ie the ACT Fire Brigade, the ACT Rural Fire Service, the ACT State Emergency Services as well as related administrative and operational support services and land management agencies. The inquiry and this paper will not consider the ACT Ambulance Service in detail.
- 1.6 The Committee invites interested parties to submit comments on any of the issues raised in this paper or any other issue they consider relevant to the inquiry. Public hearings will be held in February and March 2008 with a view to providing a report to the Assembly in June 2008.

³ McBeth, H (1994), *The Fire Hazard Reduction Practices of the Australian Capital Territory Government*; ACT Parks and Conservation Service, unpublished.

⁴ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra.

⁵ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra.

⁶ See Appendix A for details of the major reports considered by the Committee for the purposes of this inquiry.

2 EMERGENCY SERVICES IN THE ACT

Role of the ACT Emergency Services Agency

- 2.1 The ACT Emergency Services Agency (ESA) is currently a business unit of the Department of Justice and Community Safety and is responsible for emergency management and related support arrangements throughout the Australian Capital Territory (ACT). It provides a range of services to protect the community including emergency response and assistance, preparedness for emergencies such as counter disaster plans, community education and awareness and emergency recovery.
- 2.2 The ESA comprises four operational services - the ACT Fire Brigade, ACT Rural Fire Service, ACT State Emergency Service and the ACT Ambulance Service. A description of each follows.

ACT Fire Brigade

- 2.3 The ACT Fire Brigade 'provides a capability to support the protection of life, property and the environment from fire and other hazards'.⁷
- 2.4 Their services include firefighting of structural, transport and bushfires; rescues such as animal, confined space, industrial, road accident, swift water, trench, vertical and urban search. Additionally, the ACTFB manages hazardous materials spills, responds to chemical, biological and radiological incidents and assists in storm damage and medical assistance.⁸
- 2.5 The ACTFB also 'conducts and supports community education activities to assist in incident response'.⁹

⁷ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 278-9.

⁸ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 279.

⁹ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 279.

- 2.6 In addition to its 317 full-time professional fighters the ACTFB comprises 28 volunteer Community Fire Units (around 800 volunteers) which will be expanding to 38 Units in the 2007-08 financial year.¹⁰ The Community Fire Unit program trains and equips residents on the rural/urbane interface to undertake property protection measures in the event of a bushfire.

ACT Rural Fire Service

- 2.7 The ACT Rural Fire Service provides rural fire preparedness and response services to facilitate 'the protection of people, property and the environment from bushfire' in rural areas.¹¹
- 2.8 In conjunction with other agencies, ACT Rural Fire Service is responsible for operational planning and 'an integrated emergency management response to other emergency situations'¹², as well as providing operational support for other agencies. It also is responsible for the declaration of total fire bans on extreme fire risk days and manages the 'permit to burn' system for rural areas.
- 2.9 Additionally, ACT Rural Fire Service undertakes rural fire community education and awareness programs
- 2.10 The ACT Rural Fire Service has eleven full time staff responsible for the provision of the management framework, approximately 440 active volunteers and 150 firefighters within the Territory and Municipal Services staff brigade.¹³

¹⁰ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 279-81.

¹¹ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 281.

¹² ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 281.

¹³ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 282.

ACT State Emergency Service

- 2.11 The ACT State Emergency Service undertakes ‘planning and response operations for storms and floods and assistance to other services’¹⁴ in emergencies. It provides assistance to the police and to Airservices Australia for search operations as well as civil defence planning and operations. The SES will also be assisting the ACT Fire Brigade in more urban search and rescue operations in the future.¹⁵
- 2.12 ACT State Emergency Service currently consists of seven full time staff and 191 volunteers.¹⁶

ACT Ambulance Service

- 2.13 The ACT Ambulance Service ‘provides emergency and non-emergency ambulance services’ to the ACT community, including the SouthCare Aeromedical Rescue Service.¹⁷ In the event of emergency bushfire situations, the ACT Ambulance service provides direct medical support to the ACT Rural Fire Service, the ACT Fire Brigade and ACT State Emergency Services. In addition, it manages emergency medical evacuations of medial facilities, nursing homes, respite care facilities etc as required and mass casualty incident planning. The Snowy Hydro SouthCare helicopter is also employed in water bombing efforts when not in use for medical rescue services.¹⁸

¹⁴ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 284.

¹⁵ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 285.

¹⁶ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra. 284.

¹⁷ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 274.

¹⁸ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner’s Court, Canberra.

The Evolution of the Emergency Services Agency

Emergency Services Bureau prior to 1 July 2004

- 2.14 The Emergency Services Bureau (ESB) was established in 1995 to enable better coordination of responses to emergency incidents, particularly urban and bushfire services.¹⁹ ESB was an agency of the ACT Department of Justice and Community Safety.²⁰

Emergency Services Authority 1 July 2004 to 1 July 2006

- 2.15 During 2004, in response to recommendations of the McLeod Inquiry into the Operational Response to the January 2003 Bushfires in the ACT, the ACT Emergency Services Authority was established as a separate agency within the ACT Government by the Emergencies Act 2004.
- 2.16 The McLeod report 'found inefficiencies in the structure of the ACT's emergency service arrangements that frustrated emergency workers and volunteers'²¹ and suggested that a more independent emergency organisation would enable a closer interaction between the various emergency service bodies and facilitate more flexible use of personnel and equipment.²²
- 2.17 The establishment of the Authority aimed to address the issues of coordination and cohesion via common governing legislation, identical powers assigned to chief officers, integration of planning and support arrangements between the services, joint strategic level plans and more efficient internal governance structures.²³

¹⁹ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 205.

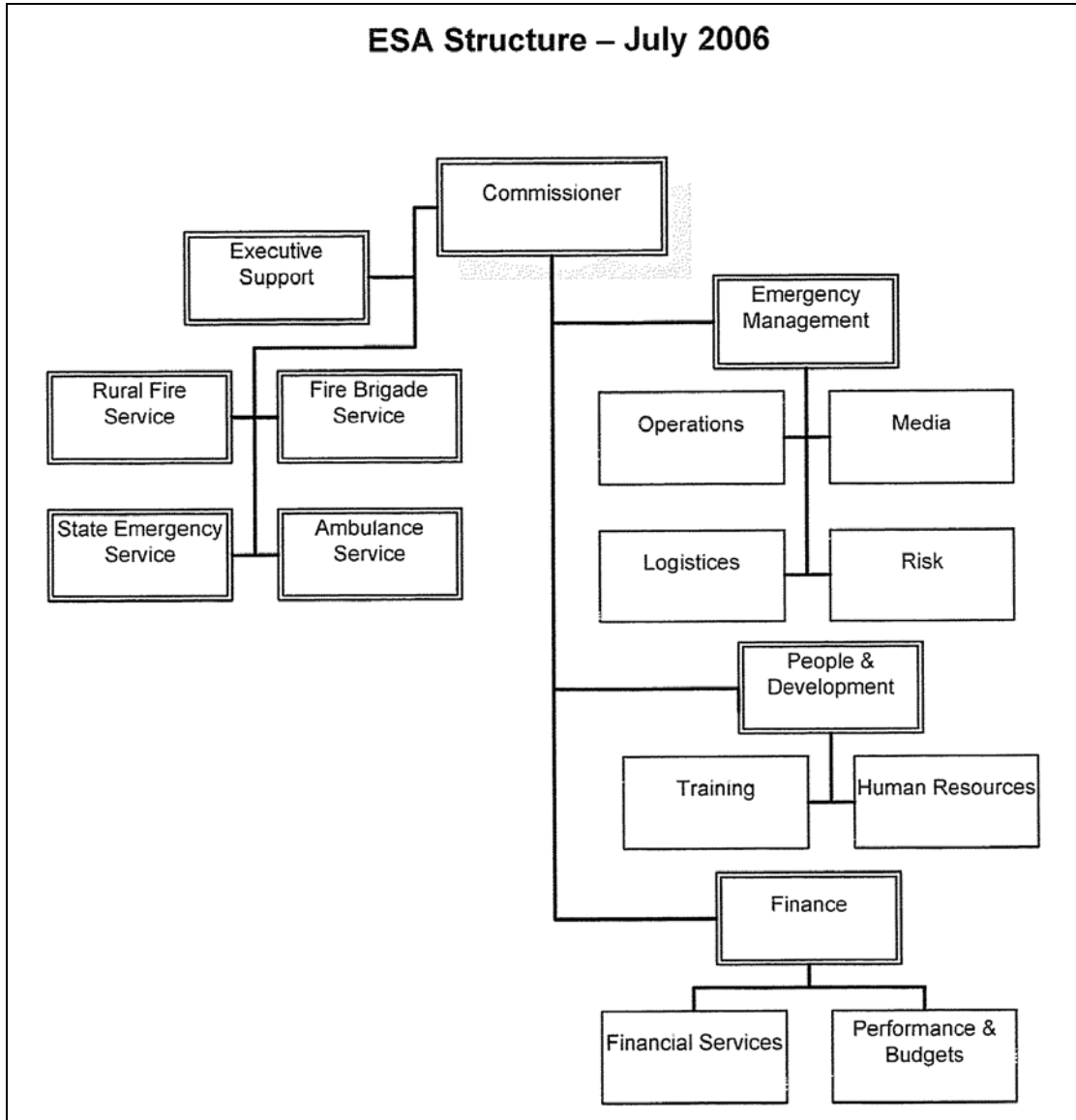
²⁰ ACT Government (2005), *ACT Emergency Services Authority Annual Report 2004-2005*, ACT Emergency Services Authority, Canberra, 6.

²¹ Legislative Assembly for the ACT (2004), *Emergencies Bill 2004 Explanatory Statement*, Legislative Assembly for the ACT, Canberra, 2.

²² Legislative Assembly for the ACT (2004), *Emergencies Bill 2004 Explanatory Statement*, Legislative Assembly for the ACT, Canberra, 2.

²³ ACT Government (2005), *ACT Emergency Services Authority Annual Report 2004-2005*, ACT Emergency Services Authority, Canberra, 3.

2.18 The ACT Rural Fire Service and State Emergency Services were also established under the Emergencies Act 2004, transitioning from the previous combined structure consisting of the shared administration of ACT Bushfire Service and ACT Emergency Service.²⁴

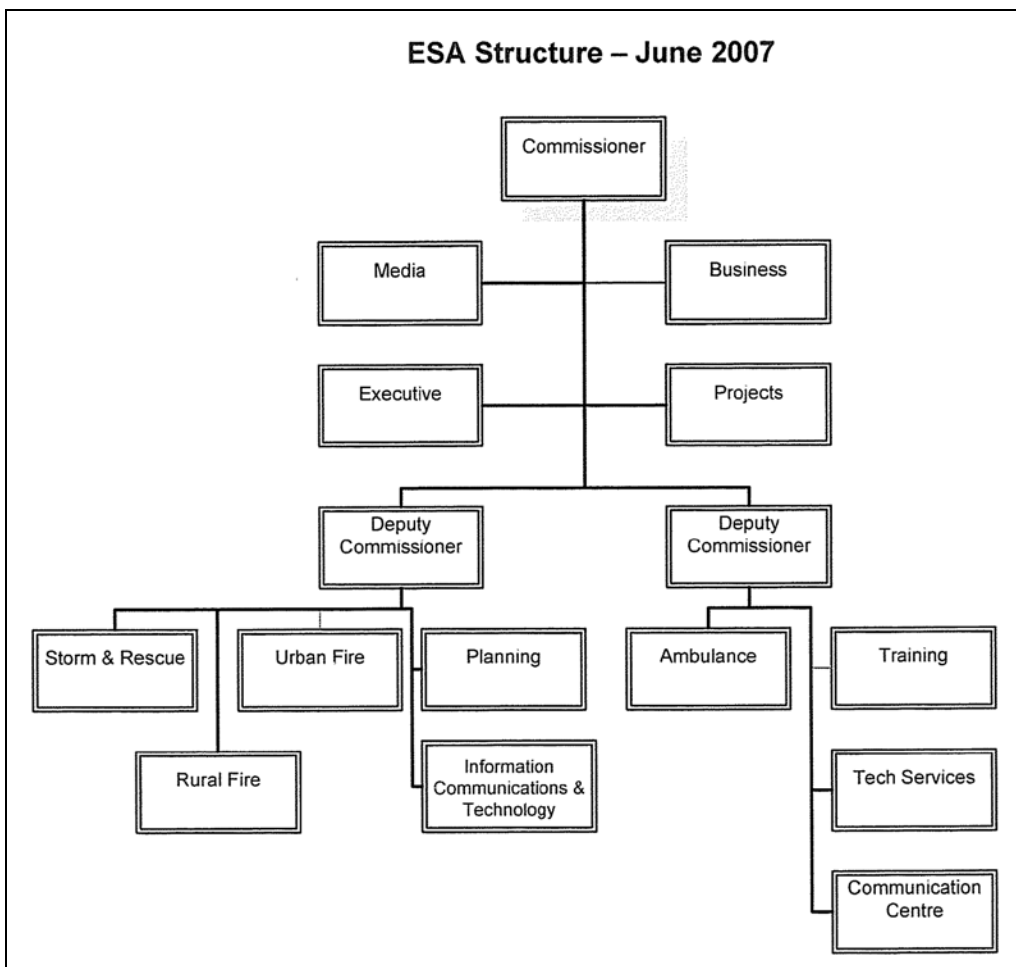


JACS Annual Report 06-07, p257

²⁴ ACT Government (2005), *ACT Department of Justice and Community Safety Annual Report 2004-2005*, ACT Department of Justice and Community Safety, Canberra, 7-8.

Emergency Services Agency since 1 July 2006

- 2.19 On 1 July 2006 emergency services were re-integrated into the Department of Justice and Community Safety, with a revised operational structure was designed to 'prioritise front line service delivery'²⁵ and maintain the operational independence of the four emergency service Chief Officers.²⁶ Part of the justification for bringing the ESA within the umbrella of Department of Justice and Community Safety once again was 'to ensure administration support is at optimum efficiency'²⁷



JACS Annual Report 06-07, p257

²⁵ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 17.

²⁶ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 16.

²⁷ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 17.

3 MAJOR THEMES

- 3.1 There are a number of recurring themes highlighted in previous inquiries which have evolved and changed over the course of many significant emergency bushfire events. These include
- the adequacy of preparation and planning for bushfire events,
 - emergency services organisational structure and operations,
 - management command and control processes,
 - resource availability and policy approaches,
 - coordination and cooperation between the services, and
 - land management and interstate contributions.

Bushfire Preparation and Planning

- 3.2 Preparation and planning for prevention and suppression of bushfire are essential aspects of emergency management which need to be assessed, such as the management of fire access, fuel and risk management and land planning.

Fire Access

- 3.3 Fire access and fuel management are two key prevention and preparedness issues that were consistently raised in the various inquiries.²⁸
- 3.4 Both the McLeod report and the Coroner's report emphasised the need for adequate fire tracks, trails and access roads to be established and maintained to allow direct fire suppression operations. Following a risk

²⁸ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra. McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra. McBeth, H (1994), *The Fire Hazard Reduction Practices of the Australian Capital Territory Government*; ACT Parks and Conservation Service, unpublished. Glenn, G (1995) *Report of the Taskforce on Fuel Management Practices in the ACT*.

assessment on ACT access needs²⁹, some additional access trail upgrades and additional fuel reduction measures were undertaken in 2003 and 2004 in response to the McLeod report.³⁰

- 3.5 The Government response to the most recent review by the ACT Coroner supported the ongoing maintenance of a strategic fire trail network, keeping trails, tracks and access roads cleared and accessible at all times as well as the need for some additional fire trails 'to improve response time for appliances and improve access for heavy plant into remote areas of the ACT'³¹. The ACT Government, however did not support the expansion of an access network across the entire ACT area to allow direct fire suppression operations, emphasizing that the required extensive grid of fire trails across the ACT would not be practical.³² The Government's preferred approach to remote area fire suppression is to employ other strategies such as the use of remote area crews.
- 3.6 Current fire trail and access roads are mapped in the Strategic Bushfire Management Plan³³ as well as some planned additional fire trails and potential future trails. Individual trails would each require the standard investigation process prior to construction, including development planning and application processes and environmental assessment³⁴ The ACT Bush Fire Council also assesses additional fire trail proposals.³⁵

²⁹ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 12.

³⁰ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 2.

³¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 17.

³² ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 17.

³³ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra.

³⁴ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 42.

³⁵ ACT Bushfire Council (2007), *Meeting Minutes 24 May 2007*, section 4.2, <http://www.esa.act.gov.au/ESAWebsite/content_rfs/act_bushfire_council/act_bushfire_council.html> accessed 18 October 2007.

³⁵ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 45.

- 3.7 The Strategic Bushfire Management Plan also outlines bushfire strategic access requirements and standards. Details of maintenance, upgrade and construction of fire trails are specified in Bushfire Operational Plans, developed by land managers and owners and subject to approval by the ACT Bushfire Council Bushfire Operational Plan Review Sub-Committee. In developing the operational plans, land manager and owners ‘design a strategic fire access network considering bushfire risk, the total long term access requirements and associated ten year capital and recurrent maintenance costs’.³⁶
- 3.8 The Strategic Bushfire Management Plan requires access networks to be monitored regularly and inspected periodically to ensure ‘trafficability’ of fire access trails. The plan also proposes that these audits be used to assist volunteer and senior firefighters improve their familiarity with remote areas of the ACT.³⁷ Additionally, the Emergencies Act 2004 ‘provides for the inspection of all lands to ensure that bushfire management activities are consistent with the Strategic Bushfire Management Plan’.³⁸
- 3.9 Responsibility for fire access maintenance currently lies with ACT Government Land Managers, land owners, and rural lessees, in consultation with ESA, ACTPLA and LDA.³⁹

³⁶ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 45.

³⁶ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 14.

³⁶ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 13.

³⁷ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 45.

³⁸ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 14.

³⁹ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 13.

Fire/Fuel Management

- 3.10 The issue of hazard reduction and fuel management particularly, have been raised by the majority of inquiries on ACT emergency management. Fuel management was the primary focus of the McBeth and Glenn reports, and featured in a number of recommendations of the Coroner's report and the McLeod report.
- 3.11 Some of the authors⁴⁰ recommend an increased emphasis on the use of prescribed burning in hazard reduction programs, including burning in a pattern across the ACT landscape in order to increase access for fire management and distribute fuel loadings across the ACT. This 'mosaic burning' will help achieve an 'appropriately varying fire age spectrum across the entire landscape'.⁴¹ The Coroner's report further recommended that only a small area of ecological conservation importance be excluded from prescribed burning programs.⁴²
- 3.12 The Government has undertaken a regular program of prescribed burning of government managed land in accordance with the Strategic Bushfire Management Plan since 2003, however, the ACT Government considers it inappropriate for all areas of the ACT to be subjected to prescribed burning, for example on land managed for primary production.⁴³ Bushfire Operational Plans created under the Strategic Bushfire Management Plan are also required to delineate a 'pattern of mosaic burning to achieve fire

⁴⁰ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra. McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra.

⁴¹ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 219.

⁴² Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 218.

⁴³ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 14.

prevention and ecosystem management objectives for the ACT, including catchment areas'.⁴⁴

3.13 During the 06-07 financial year, for example, The Department of Territory and Municipal Services (TAMS) identified 1,837 hectares of prescribed burning in its Bushfire Operations.⁴⁵ The 'mosaic burning' takes into consideration different landscape uses and the associated risks of bushfires. This is recognised in the Strategic Bushfire Management Plan and takes into account fire protection and land management considerations in fuel management zone classifications and standards.⁴⁶

3.14 Prescribed burning is allowed for under section 84 of the *Emergencies Act 2004* on Fire Fuel Reduction:

The chief officer (rural fire service) may, at any time in accordance with the strategic bushfire management plan and the Environment Protection Act 1997, light a controlled fire in a rural area for the purpose of reducing the risk of bushfire or the spread of bushfire.

3.15 Allocation of responsibility for fuel management and hazard reduction is also a key consideration in fire planning and preparation. The Coroner's report recommended that land management agencies that control an area of land have primary responsibility for fuel management and prescribed burning processes in that area and that the ESA 'have authority over the land management agencies and other land holders in order to implement preparedness and prevention measures'.⁴⁷

⁴⁴ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 14.

⁴⁵ ACT Government (2007), *ACT Department of Territory and Municipal Services Annual Report 2006-2007*, ACT Department of Territory and Municipal Services, Canberra, 153-4.

⁴⁶ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 85.

⁴⁷ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 219.

- 3.16 These responsibilities have been set out in the Emergencies Act 2004, enabling land managers to implement prescribed burning and ESA to monitor and direct preparedness and prevention measures undertaken by land managers and land holders.⁴⁸ The Act enables the Commissioner to set out requirements for owners and managers of land within the Strategic Bushfire Management Plan, including any measures for the prevention of, and preparedness for bushfires such as fire trail location and maintenance.⁴⁹
- 3.17 The ACT Government's policy of shared responsibility for preparation and planning, including fuel management, is also emphasised in the Strategic Bushfire Management Plan, requiring all people involved in both informal and formal roles 'to take actions to prevent, prepare and respond to bushfires and then work on recovery'.⁵⁰
- 3.18 The McLeod report further recommended that the approval process for prescribed burns at that time be simplified in order to maximise use of limited suitable weather conditions.⁵¹ As a result the Government implemented revised and flexible authorisations for land managers as well as amendments to procedures covering environmental protection authorisation for smoke emissions have been amended. All land managers now have revised and flexible authorisations.⁵² The Strategic Bushfire Management Plan recognises that there is a limited window of suitable weather conditions for prescribed burning, consequently limiting the

⁴⁸ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 17-18; Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra. <<http://www.legislation.act.gov.au/a/2004-28/default.asp>> accessed 18 October 2007.

⁴⁹ Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra, section 72 <<http://www.legislation.act.gov.au/a/2004-28/default.asp>> accessed 18 October 2007.

⁵⁰ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 15.

⁵¹ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 231.

⁵² ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 12.

opportunity to schedule and implement burns.⁵³ The Strategic Bushfire Management Plan is supplemented by Bushfire Operational plans which are required to identify the timing and location of hazard reduction programs in any specific year.⁵⁴ The permit system for prescribed burns is managed by the ACT Rural Fire Service.

- 3.19 There is also an ongoing need, as identified in the McLeod report⁵⁵, for a public information and education strategy to highlight the beneficial and protective aspects of prescribed burning as well as the inevitable inconveniences for ACT residents that result from burns.
- 3.20 Following the 2003 bushfires ACT ESA increased its community education and awareness capacity and included information about prescribed burning in its overall 2003 public information strategy.⁵⁶
- 3.21 The Strategic Bushfire Management Plan provides details of fuel reduction, its benefits, limits and relevant considerations.

*Bushfire fuel hazard is the only factor of bushfire behaviour that can be influenced by land managers and residents. Fuel management can reduce fire behaviour and severity; improve fire fighter safety; increase the probability of suppression; and reduce impacts of bushfires on natural and built assets. However, fuel management alone is not the panacea for bushfire protection and it will not eliminate future severe bushfires.*⁵⁷

⁵³ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 27.

⁵⁴ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 10.

⁵⁵ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 213.

⁵⁶ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 11.

⁵⁷ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 41-4.

- 3.22 As recommended in the Glenn report, more ongoing information could be provided by ESA on upcoming hazard reduction burns and progress to date with prescribed burning for the bushfire season as well as to reinforce the beneficial and protective aspects of prescribed burning.⁵⁸
- 3.23 The Coroner's report also highlighted the need for senior personnel in public land management agencies to have appropriate experience in fire management and to be provided with adequate resources and suitably trained and experienced staff to achieve successful implementation of fuel management programs.⁵⁹ TAMS provides resources and training to staff in fire management positions and has identified additional senior positions where fire management skills are necessary to ensure an appropriate level of expertise within the department.⁶⁰

Risk Management

- 3.24 A number of inquiries recommended that the ESA adopt more rigorous risk management processes with regard to bushfire incident prediction and management and enhance community information on the resulting strategies.⁶¹
- 3.25 As part of a risk management process the Coroner's report also recommended that ESA conduct annual risk analysis of the prevailing conditions and circumstances and, with forecasting and consultation with relevant ACT, NSW and federal agencies, develop strategies to ensure appropriate levels of preparedness during potentially severe fire seasons.⁶²

⁵⁸ Glenn, G (1995) *Report of the Taskforce on Fuel Management Practices in the ACT*, V.

⁵⁹ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 219.

⁶⁰ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 18-9.

⁶¹ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 216.

⁶² Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 216.

The ESA currently conducts an annual, seasonal risk analysis to assist preparedness and planning strategies for the season, in conjunction with BOM and the Bushfire Council.⁶³

- 3.26 The Strategic Bushfire Management Plan⁶⁴ comprehensively outlines the ESA's risk management approach to incident management and prediction, along with the draft ACT Emergency Management Plan. These plans have led to the development of strategies and protocols to improve community information and understanding of bushfire risks and risk management approaches 'including the All Hazards Warning System and the memoranda of understanding with media agencies about providing emergency information to the community'.⁶⁵

Roles and Responsibilities

- 3.27 In addition to their responsibility to undertake adequate fuel management, land management agencies are responsible for the initial response to any fire on the land under their care.⁶⁶ The Emergencies Act 2004 section 120, requires land managers to 'take all reasonable steps to prevent and inhibit the outbreak and spread of fire on the land and to protect property from fire on the land or spreading from the land'.⁶⁷
- 3.28 The Emergency Services Agency also committed to developing a Commissioner's Guideline to coordinate the arrangements for the initial response by land management agencies and the Rural Fire Service

⁶³ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 5-6.

⁶⁴ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 31-4.

⁶⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 5-6.

⁶⁶ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 17-8.

⁶⁷ Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra, section 72 < <http://www.legislation.act.gov.au/a/2004-28/default.asp> > accessed 18 October 2007.

operational response on those lands. This process is anticipated to operate through a specified TAMS officer who may become a member of relevant incident management teams.⁶⁸

- 3.29 A Memorandum of Understanding between ESA and TAMS land managers has also been developed reinforcing the responsibility of land managers to undertake initial response to fire on land under their care.⁶⁹
- 3.30 Contrary to the Coroner's report recommendation, the ACT Government has said that it is not in the interests of the community for land management agencies to suppress fire until the task escalate beyond their capability. Instead, the Government proposes that the Rural Fire Service provide support to land managers in their initial response and retain overall operational responsibility.⁷⁰

Land Planning

- 3.31 Land planning and zoning is another key aspect of fire preparation and planning.
- 3.32 The McLeod report recommended that the ACT adopt a similar approach and priorities as the Victorian Code of Practice for Fire Management on Public Land in defining fire abatement zones. The report recommended, in particular, that the north-west and western perimeter of Canberra and the Murrumbidgee River and the foothills of the Brindabella Range be more clearly defined as fire abatement zones.⁷¹

⁶⁸ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 17-8.

⁶⁹ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 18.

⁷⁰ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 18.

⁷¹McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 231 & 238.

3.33 The ACT has adopted a preliminary system of fuel management zones which are located to take into account the risk of fire ignition, spread and potential damage and indicates the type and intent of fuel management in that zone.⁷² The system is only indicative at this stage, having been applied to unleased Territory land only. Discussion are being held with other land managers and rural lessees in an attempt to provide a consistent approach across the ACT.

3.34 The current system, outlined in the Strategic Bushfire Management Plan defines three types of fuel management zones:

- The Asset Protection Zone (APZ), which is further subdivided into Home Asset Protection Zone, Inner Asset Protection Zone and Outer Asset Protection Zone
- Landscape Division Zone (LDZ)
- Land Management Zone (LMZ)

The zones have been identified in light of their principal land use. Primarily that purpose is to protect life and property however factors such as ecological or production requirements, proximity to natural or built assets, suitability for fire control operations are also considered.⁷³

3.35 The ACT Coroner was concerned that the Land Management Zone covers approximately 70 per cent of the ACT landscape and may be excluded from prescribed burning because the primary objectives for that zone are conservation and biodiversity rather than fuel management. She felt that Land Management Zones should have a higher prescribed burning emphasis, similar to that of the Landscape Division Zones.⁷⁴ The ACT Government, however, did not agree to the proposed strategy change for

⁷² ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 42.

⁷³ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 42.

⁷⁴ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 15-6.

burning in Land Management Zones because the Landscape Division Zones are areas 'where fuel management is a matter of priority and require regular hazard reduction over the entire zone to meet defined standards'. A similar approach in the Land Management Zones would be inconsistent with priorities in that zone, although the priorities and treatments for all zones will be reviewed in the development of Strategic Bushfire Management Plan version s.⁷⁵

- 3.36 The fuel management zones also inform future planning and development within those zones. As highlighted by the McLeod report, it is necessary for protection planning principles, such as fire mitigation and suppression strategies, to be taken into account in future developments.⁷⁶ There is an additional need for future developments within the fire abatement zone and on the urban edge to comply with Building Code of Australia standards: *Australian Standard 395; Construction of Buildings in Bush Fire Prone Areas*.
- 3.37 The Asset Protection Zone, for example, is defined around the built up urban area, particularly encompassing residential areas of identified bushfire risk. The three levels of Asset Protection Zoning will inform and apply to future urban and landscape planning and management.⁷⁷
- 3.38 The construction of buildings and outbuildings as well as residential garden design and maintenance will also be informed by the zoning as well as the building code standards. The Standards outline building design and construction requirements for bushfire-prone areas 'in order to improve their performance when subjected to burning debris, radiant heat or flame

⁷⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 15-6.

⁷⁶ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 230.

⁷⁷ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 13.

contact generated from a bushfire.⁷⁸ The Planning and Land Authority has also a planning Guideline under the Territory Plan 'Planning for Bushfire Risk Mitigation' for planning in bushfire prone areas.⁷⁹

- 3.39 These issues are reflected in the Strategic Bushfire Management Plan, requiring house design and construction standards for new development to incorporate bushfire protection measures such as construction standards, set back distances and vegetation and fuel management requirements.⁸⁰

Bushfire Management Plan

- 3.40 The Strategic Bushfire Management Plan⁸¹ was updated in 2005 and reflects a number of recommendations from the various inquiries as well as key preparation and planning initiatives.
- 3.41 The requirements for the Bushfire Management Plan are set out in the Emergencies Act 2004⁸² and include responsibilities for development of the plan, content of the Strategic Bushfire Management Plan, bushfire operational plans as well as consultation and review requirements.
- 3.42 The Emergency Services Commissioner is responsible for preparing the draft Strategic Bushfire Management Plan for the ACT which then goes to the appropriate minister for approval prior to publication. Under the legislation, the Minister must make a Strategic Bushfire Management Plan

⁷⁸ Standards Australia (1999), AS 3959-1999 Construction of buildings in bushfire-prone areas, Standards Australia International, Sydney. <http://www.saiglobal.com/shop/script/Details.asp?DocN=stds000024859> accessed 15 October 2007.

⁷⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 27-29.

⁸⁰ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 13.

⁸¹ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra.

⁸² Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra. <<http://www.legislation.act.gov.au/a/2004-28/default.asp>> accessed 18 October 2007.

for the ACT following consideration of the draft plan.⁸³ The ACT Bushfire Council must be consulted in preparing the draft and any impacts of the plan on land management must be taken into account.⁸⁴

- 3.43 The Act also sets out monitoring and review requirements for the Strategic Bushfire Management Plan. In consultation with the Bushfire Council, the Commissioner must 'monitor the scope and effectiveness of the plan' and may recommend amendments as necessary. There are also public consultation requirements before a Strategic Bushfire Management Plan can be made, including the release of the draft plan for inspection and an invitation for written comments.
- 3.44 In response to recommendations made by the McLeod report⁸⁵, ACT Government agencies are required under the Act to provide details of the implementation of the Strategic Bushfire Management Plan on lands they manage, including approved bushfire operational plans, in agency annual reports. The account must include details of any areas of unleased Territory land, or land occupied by the Territory, used by an agency or by someone on behalf of an agency. For added independence, Land Management Agencies including TAMS, LDA and ACTPLA use external auditors for the review.⁸⁶
- 3.45 Compliance audits may also be carried out under the Act reviewing compliance with the fire prevention obligations of land managers as set out in the Strategic Bushfire Management Plan, operational plans and land

⁸³ Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra, section 72, 41-2. < <http://www.legislation.act.gov.au/a/2004-28/default.asp>> accessed 18 October 2007.

⁸⁴ Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra, 41-8. < <http://www.legislation.act.gov.au/a/2004-28/default.asp>> accessed 18 October 2007.

⁸⁵ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 231.

⁸⁶ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 11.

management agreements. Inspectors are authorised to enter land with prior notice.⁸⁷

- 3.46 Under the Emergencies Act 2004, the Strategic Bushfire Management Plan must be comprehensively reviewed by the Minister and Bushfire Council at intervals of no more than 5 years in order to keep it up to date. In real terms the Plan must therefore be reviewed before January 2010. The Coroner's report also recommended that version two of the Strategic Bushfire Management Plan be completed and introduced as early as possible.⁸⁸ ESA commenced the review during the 2006-07 financial year and has advised that they are committed to releasing a draft Strategic Bushfire Management Plan by June 2008, with completion anticipated by 2009.⁸⁹ The revision aims to significantly improve 'the detail of fire protection analysis and prevention planning, resulting in a community accessible and reader friendly document that will be useful for planners, fire-fighters and residents'.⁹⁰

Mapping Information

- 3.47 The need for up to date and accurate mapping information was identified by the Coroner's report and the McLeod report as a crucial element for effective emergency planning and management. Mapping information is relied upon for 'strategic and tactical operational management of bushfire

⁸⁷ Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra, 59-60. < <http://www.legislation.act.gov.au/a/2004-28/default.asp> > accessed 18 October 2007.

⁸⁸ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 217.

⁸⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 10.

⁹⁰ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 259.

operations⁹¹ and need to reflect the current conditions and suitability of the fire access trail network.⁹²

3.48 Since 2003, maps of all public and private land are now subject to regular review by ESA in conjunction with land management agencies and are amended as required. As recommended by the Coroner's report, the maps are maintained in electronic form on a database that enables modification during firefighting operations and allows printed maps to be rapidly produced for specific incidents.⁹³

3.49 The Coroner's report also recommended that ESA maintain an appropriate geographic information system 'capable of producing fire-specific maps as needed and appropriate levels of training be provided to a range of relevant personnel to modify the information'.⁹⁴ ESA has this capability through its Geographic Information System and endeavours to maintain the capability via work with other agencies, including training personnel from other agencies to produce incident-specific maps.⁹⁵ Additionally, ESA's command support systems can incorporate geo-spatial data from a range of sources.⁹⁶

3.50 ESA also issues updated operational 'map atlases' of the ACT and surrounding regions⁹⁷ for use by emergency service crew, land managers, police and incident management teams.

⁹¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 9.

⁹² ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 45.

⁹³ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 9.

⁹⁴ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 217.

⁹⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 10.

⁹⁶ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 56.

⁹⁷ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 56.

Household Measures

- 3.51 With regard to preparation and planning at the individual household level, ESA has developed the FireWise program. This program includes information brochures for households on Home Design and Construction and Home Gardens.⁹⁸ These publications discuss the use of fire resistant plants, fences and garden structures as well as the risks posed by decks, balconies and pergolas.⁹⁹ ACTPLA has updated the Residential Boundary Fences Interim Guideline for Residential Areas in the ACT to allow the use of solid sheet metal fences, within some limits, because of its higher fire resistance than timber fencing.¹⁰⁰ Development controls also now apply to some outbuildings, for example sheds, in the ACT requiring specific bushfire mitigation measures such as setback distances.¹⁰¹
- 3.52 ESA has provided additional information about fire behaviour, risks and ember protection methods in the 'Bushfires and the Bush Capital A Guide for the ACT'.¹⁰²
- 3.53 These measures address the Coroner's report recommendations regarding community awareness and education on the fire risks of fencing materials, vegetation types, garden fuel and outbuildings and outline actions

⁹⁸ ACT Government, ACT Planning and Land Management (2005), Fire Wise Home Design and Construction <http://www.esa.act.gov.au/ESAWebsite/content_esa/fire_safety/before_a_bushfire_page/before_a_bushfire.html> accessed 18 October 2007. & ACT Government, ACT Planning and Land Management (2005), Fire Wise Home Gardens <http://www.esa.act.gov.au/ESAWebsite/content_esa/fire_safety/before_a_bushfire_page/before_a_bushfire.html> accessed 18 October 2007

⁹⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 29.

¹⁰⁰ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 27.

¹⁰¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 29.

¹⁰² ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 29-30.

householders can take to reduce the risk, including basic ember protection.¹⁰³

Resources

- 3.54 Resource issues also featured regularly in the recommendations made in the Coroner's report and the McLeod report, particularly in relation to staffing requirements, plant and equipment availability and maintenance, as well as the suitability of Emergency Services accommodation.

Staffing

- 3.55 In order to ensure the ACT has an adequate resource of remote area firefighting crews consisting of personnel with high levels of fitness and training, the ACT Rural Fire Service has established and trained dedicated remote area crews to maintain a rapid response capability.¹⁰⁴
- 3.56 In response to the McLeod report recommendations¹⁰⁵, additional staff have been employed and trained for the summer periods to enable more rapid response to fire outbreaks, particularly in remote areas. Additional staff will assist land management agencies in initial fire response and, when not directly combating fires, support fuel management and fire mitigation work.¹⁰⁶

¹⁰³ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 223.

¹⁰⁴ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 11.

¹⁰⁵ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 235.

¹⁰⁶ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 21.

Training

- 3.57 Training for all emergency services personnel has also been a recurring topic, particularly the need for training programs to be under constant review and for adequate funding to ensure all personnel are appropriately trained.
- 3.58 The ESA regularly reviews the level and type of training and professional development required for its personnel including capability assessments.¹⁰⁷
- 3.59 The agency introduced competency-based training for all personnel involved in incident responses and national committees consisting of interstate personnel and expert providers via bodies such as the Australasian Fire Authorities Council.¹⁰⁸ The reviews also examine the adequacy of training and ‘the numbers of firefighters experienced in performing effective, safe large-scale back-burning operations’.¹⁰⁹
- 3.60 ESA staff are also members of a number of the peak bodies both nationally and internationally, such as the Australasian Fire Authorities Council (AFAC), BushFire Cooperative Research Centre and the International Association of Wildland Fire-fighters. Current information on national and international best practice in wildfire behaviour and suppression from these bodies is forwarded to both full time and volunteer personnel via workshops, seminars and conferences provided nationally by land management agencies and fire authorities.¹¹⁰

¹⁰⁷ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 304.

¹⁰⁸ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner’s court in ‘The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003’*, Canberra, 7-8.

¹⁰⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner’s court in ‘The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003’*, Canberra, 13.

¹¹⁰ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner’s court in ‘The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003’*, Canberra, 8.

- 3.61 Training in Incident Control System and high-level incident management functions is also provided by ESA in accordance with national competency standards. It is targeted chiefly at personnel who are likely to be a part of an incident management team.¹¹¹
- 3.62 To support emergency services training, ESA developed the ESA Training facility (formerly known as the Joint Emergency Services Training Academy) which provides relevant bushfire fighting training and assessment initiatives for full time and volunteer ESA staff. The training supports and enables ESA staff to 'carry out their duties safely, effectively and efficiently'.¹¹² These skills and competencies are further reinforced with interagency fire management prevention, preparedness, response and recovery exercises.¹¹³
- 3.63 In order for training programs to be effective on an ongoing basis, both the McLeod report and the Coroner's report recommended that the Government allocate sufficient funds to enable all personnel, including volunteers, to participate in relevant courses and programs, thereby increasing the skill base and experience of the agency as a whole.¹¹⁴ ESA currently allocates funds to enable full-time and volunteer firefighters to participate in relevant training and operational exercises and is considering possible future funding sources.¹¹⁵

¹¹¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 8.

¹¹² ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 97.

¹¹³ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 55.

¹¹⁴ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 217; McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 234.

¹¹⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 8-9.

Occupational Health and Safety

- 3.64 All agencies involved in fire management and bushfire fighting are required to comply with relevant occupational health and safety legislation and workplace practices.¹¹⁶ These requirements also apply to volunteers and ESA continues to pursue a policy of personnel fitness standards for bush firefighting and operations.
- 3.65 In response to a recommendation from the McLeod report¹¹⁷, operational decisions that may affect the safety of firefighters will be addressed in ESA standard operating procedures, incorporating sound occupational health and safety risk management and best practice requirements.¹¹⁸

Equipment

Ground Vehicles

- 3.66 ESA has an ongoing program of equipment and plant replacement and upgrades to maintain service capabilities.
- 3.67 In response to recommendations in the Coroner's report¹¹⁹, ESA engaged two light bulldozers, and a grader for suppression purposes and rapid response in event of a bushfire. Staff have also been trained by land managers in the use of large bulldozers.¹²⁰

¹¹⁶ ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, 55.

¹¹⁷ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 234.

¹¹⁸ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 19.

¹¹⁹ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 218.

¹²⁰ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 13.

- 3.68 Other initiatives included the addition of protective lagging over fuel lines for all urban fire vehicles to rectify a defect identified during the January 2003 fires¹²¹ and the acquisition of an all terrain Remote Area Communications Relay Vehicle, providing enhanced emergency services radio reception in remote areas.¹²²
- 3.69 Additional all-terrain tankers were also procured in 2003-04 to deal with bushfires at the urban interface as well as the replacement of some operational and support vehicles and addition of Compressed Air Foam Systems (CAFS) to bushfire tankers¹²³ to 'increase suppression capability significantly compared to ordinary water pumping'.¹²⁴

Aerial Operations

- 3.70 The ACT Government is also a participant in the National Aerial Fire-fighting Strategy, which established a national agreement whereby the ACT 'will have at a minimum a dedicated medium lift helicopter available for a six week period during the height of the bushfire season'.¹²⁵ Other medium and heavy water bombing aircraft allocated to neighbouring states, not in use at the time, are also to be available as required.¹²⁶
- 3.71 ESA also employs the use of helicopters for rapid deployment of remote area firefighting crews as well as for water bombing support, as appropriate to the conditions of a fire incident.¹²⁷ The remote area relay

¹²¹ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 4-5.

¹²² ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 21.

¹²³ ACT Government (2004), *ACT Department of Justice and Community Safety Annual Report 2003-2004*, ACT Department of Justice and Community Safety, Canberra, 67 & 74.

¹²⁴ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 4-5.

¹²⁵ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 3.

¹²⁶ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 14.

¹²⁷ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 12.

vehicle offers improved radio aerial and ground crew coordination and ESA has implemented a training program for air attack supervisors to assist when multiple aircraft are involved.¹²⁸

Communications system

3.72 ESA reviewed and confirmed that the communications systems used by the four emergency services as well as the AFP, NSW emergency services and by contracted aircraft are compatible. However, whilst ACT Policing Communications have the capability to monitor and transmit on the same network, police patrols do not.¹²⁹

3.73 In response to the communications problems identified during the 2003 bushfires and comments in the McLeod Report, ESA procured the FireLink system in 2004 (amongst other initiatives such as an enhanced Computer Aided Dispatch system) to enhance Emergency Services communication infrastructure.¹³⁰ The communications upgrade aimed to improve operational effectiveness and interoperability by

...allow[ing] for radio interoperability with the land management agencies' response vehicles, as well as improving portable radio communications, mobile data and radio relay equipment, and providing an automatic vehicle location system.¹³¹

3.74 The FireLink system was withdrawn from operations in July 2007 following a review by ESA which identified that the system was unsuitable for the agency's ongoing operations.¹³²

¹²⁸ ACT Government (2004), *ACT Department of Justice and Community Safety Annual Report 2003-2004*, ACT Department of Justice and Community Safety, Canberra, 66.

¹²⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 10.

¹³⁰ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 111.

¹³¹ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 111.

¹³² ACT Emergency Services Agency (2007), Media Release 'Firelink system withdrawn from operation' ACT Emergency Services Agency, Canberra.

- 3.75 The FireLink Project was also subject to a performance audit by the ACT Auditor-General's Office in August 2007, investigating the efficiency, effectiveness and accountability of the former Emergency Services Authority (and more recently, the Emergency Services Agency) in managing the FireLink Project.¹³³
- 3.76 The ESA communications system and related infrastructure requirements will be considered in more detail by the Committee during the course of the Inquiry.

Facilities

- 3.77 Following the 2003 bushfires, the ACT Government recognised that the existing ESA operational headquarters facility in Curtin was inappropriate for the agency's needs. Interim refurbishments to the Curtin facility were undertaken in the 2003-04 financial year to provide, among other facilities, an upgraded Operations Centre.¹³⁴ ESA will be relocated in the near future to (more suitable) purpose-built accommodation that more effectively meets the agency's functions and provides improved incident control system arrangements.¹³⁵ The Government's preferred location for a new facility is at Fairbairn and final reviews of the suitability of that facility are in progress.¹³⁶

¹³³ ACT Auditor General's Office (2007), *The FireLink Project, Report No 5/2007*, Canberra

¹³⁴ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 16.

¹³⁵ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 17.

¹³⁶ Legislative Assembly for The Australian Capital Territory; Standing Committee on Legal Affairs (2007), *Proof Transcript Of Evidence; Reference: Annual and financial reports 2006-2007*, Canberra, Friday, 2 November 2007, 40-2.

<<http://www.hansard.act.gov.au/hansard/2005/comms/default.htm>> accessed 21 November 2007.

Management Command and Control

Operational and Management Arrangements & Incident Control System

- 3.78 The operation and functions of Incident Control Teams featured in a number of recommendations which the Government agreed to implement¹³⁷. Those recommendations included the need to clarify the application of Incident Control Teams via interagency workshops to ‘provide the opportunity for further refinement and enhance understanding’¹³⁸ of their roles and responsibilities. In addition, the Government identified that there was also a need to standardise terminology in line with nationally accepted procedures.
- 3.79 To improve the functioning of ICS teams, the McLeod report also recommended that the teams should include representatives from ACT Rural Fire Service, ACT Fire Brigade and TAMS, regardless of the location of the incident or services area of responsibility.¹³⁹ Extra staffing and better training and procedures for joint ICS teams were provided to assist this initiative.¹⁴⁰
- 3.80 ESA has adopted the Australasian Inter-Service Incident Management System (AIIMS), developed by Australasia Fire Authorities Council, for emergency incident management. Appointments to multi-agency ICS teams are filled by competent experienced officers as per AIIMS and are

¹³⁷ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner’s court in ‘The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003’*, Canberra, 216.

¹³⁸ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 16.

¹³⁹ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 233.

¹⁴⁰ ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 16.

appointed by the Incident Controller.¹⁴¹ The ACT is also a member of the AIIMS Steering Committee which reviews and updates AIIMS regularly.¹⁴²

- 3.81 As part of the upgrade of ESA headquarters, improved incident control arrangements will be provided, enabling ICS teams to function 'at a tactical and strategic level in accordance with the Australasian Fire Authorities Council doctrine'¹⁴³
- 3.82 Additionally, ESA has established a mechanism to undertake periodic reviews of the operating procedures for dealing with emergencies such as bushfires, including operational response and management, and incident management systems.¹⁴⁴

Control and Containment of Fires

- 3.83 The Government has adopted a policy for remote area firefighting requiring a response to all fires as quickly as possible. The vigour and level of sustained effort are contingent on land and fire management objectives.¹⁴⁵ ESA also has strategies in place for resource availability to ensure the safety of firefighters throughout continued efforts to suppress fires.
- 3.84 ESA also has practices in place to establish the operational and situational conditions of a fire incident and to determine the most appropriate deployment of resources. Depending on the above circumstances ESA may

¹⁴¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 7.

¹⁴² ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 6-7.

¹⁴³ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 233.

¹⁴⁴ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 6-7.

¹⁴⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 11-2.

deploy remote area firefighting crews of large tankers. The ESA is also investigating its capacity to use fire retardant in remote area firefighting and will develop guidelines on its use, in conjunction with land management agencies.¹⁴⁶

Public Warnings (leading up to and during an incident)

- 3.85 The management of public warning systems and appropriate dissemination of warnings and information to the ACT Community were also recurring issues in the various inquiries.¹⁴⁷ The Coroner particularly emphasised the need for adequate, meaningful and timely warnings to be provided to the community as emergency events unfold¹⁴⁸, to enable residents and businesses to make informed decisions on whether to evacuate their properties or to prepare to stay and defend. The Coroner concluded, for example that residents affected by the 2003 bushfires would have acted differently if they had been provided with better warnings and information on what was likely to occur.¹⁴⁹
- 3.86 Additionally the Coroner's report recommended that ESA develop a clear policy for disseminating information to the public and media in the event of an emergency, preferably a progressive warning system escalated in accordance with a developing emergency.¹⁵⁰
- 3.87 In response to these and other recommendations ESA has implemented a number of measures since the 2003 bushfires to enhance public communications and warning processes. A Public Information Plan, for example, was developed in 2004 by the then ESB in conjunction with all

¹⁴⁶ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 12-3.

¹⁴⁷ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 222-3.

¹⁴⁸ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 158-9.

¹⁴⁹ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 147.

¹⁵⁰ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 222.

relevant agencies to replace the outdated Media Sub-Plan¹⁵¹. The Public Information Plan included a greater focus on providing high-quality and timely information to the public on planning, preparation, response and recovery from emergencies and also addresses media liaison during an emergency situation¹⁵².

- 3.88 The Plan includes processes for regular broadcasts of alerts and updates during an emergency via both local radio and television, website updates and door-knocking of homes in the affected area (as necessary). The Media and Community Education unit is responsible for providing information to the ACT community and media support during emergencies. It is staffed by professional and experienced information officers who are also supported by a media professional with strong media links.¹⁵³
- 3.89 Documents such as 'Bushfires and the Bush Capital - A Guide for the ACT' and 'Emergencies and the National Capital - A residents guide' also include details of the information and warnings policies.¹⁵⁴
- 3.90 Additionally, ESA has established agreements with all major ACT media providers and Canberra Connect to ensure that the community receives up-to-date information on the risks of bushfires and in an emergency.¹⁵⁵ Public information is also disseminated via the ACT Government website and public awareness programs are conducted by the ACT Rural Fire Service and Community Fire Units.¹⁵⁶

¹⁵¹ ACT Government (2004), *ACT Department of Justice and Community Safety Annual Report 2003-2004*, ACT Department of Justice and Community Safety, Canberra, 77.

¹⁵² ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 23

¹⁵³ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 25.

¹⁵⁴ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 25-26.

¹⁵⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 23.

¹⁵⁶ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 23.

- 3.91 In response to the Coroner's report recommendation that a system of public warnings be adopted which utilise the grid references of the maps in the Canberra telephone directory (coroner P223), ESA has also released the ACT Handy Map on their website for use with public warnings to assist residents to locate where an emergency incident is in relation to their homes.¹⁵⁷

Public Education/Awareness

- 3.92 In addition to the public warning system changes, the Public Information Plan incorporates greater public education and awareness requirements and processes. The agency has developed community education packages such as the FireWise program, the 'Emergencies and the National Capital - A residents guide' which provides important information for ACT residents to adequately prepare for and respond to a major emergency in the ACT. ESA also developed the 'Bushfires and the Bush Capital - A Guide for the ACT' and 'Emergencies and the National Capital - A residents guide' booklet to inform rural and urban communities about suitable preparedness measures they can undertake, and what to do during and after a bushfire.¹⁵⁸
- 3.93 As part of its awareness programs, ESA has undertaken to publicise and demonstrate the use and application of the Standard Emergency Warning Signal. An initial awareness campaign on this topic was conducted in 2004 and ongoing information is provided on the ESA website and in the 'Emergencies and the National Capital - A residents guide' booklet. Emergency Management Australia also conducts awareness campaigns on the Standard Emergency Warning Signal.¹⁵⁹

¹⁵⁷ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 26.

¹⁵⁸ Emergency Services Agency <http://www.esa.act.gov.au/ESAWebsite/content_esa/bushfires/bushfires.html>

¹⁵⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 25.

- 3.94 A Community Fire Unit program has also been established which provides equipment and training to community volunteers to help defend the community against bushfire attack pending arrival of the Fire Brigade. There are currently 28 Community Fire units.¹⁶⁰
- 3.95 Another element of the community education program is focused on community evacuation protocols. The McLeod report recommended that emergency Services and ACT Policing develop joint protocols for community safety and evacuation.¹⁶¹ These protocols have been included in other awareness campaigns such as 'Bushfires and the Bush Capital - A Guide for the ACT' to assist the community to make a safe decision on whether to evacuate or stay and when it is safe to do so. The protocol is based on the Australasian Fire Authorities Council (AFAC) framework.¹⁶² In addition, the 'Bushfires and the Bush Capital - A Guide for the ACT' publication reminds residents who intend to remain with their houses and fight a fire that 'at times of unusually high water demand there might be a drop in or loss of water pressure'¹⁶³ and residents should consider auxiliary water pumps and water supply.¹⁶⁴
- 3.96 The education and awareness programs are reviewed and refined regularly by ESA, making use of information provided through the Bushfire Cooperative Research Centre regarding the effectiveness of bushfire awareness communication strategies across Australia.¹⁶⁵ ESA also consults with the NSW Rural Fire Service to ensure cross-border coordination of fire

¹⁶⁰ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 281.

¹⁶¹ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 237.

¹⁶² ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 26.

¹⁶³ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 224.

¹⁶⁴ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 30.

¹⁶⁵ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 23-4.

safety messages and particularly on bushfires that may have a cross jurisdictional impact.¹⁶⁶

Coordination and Cooperation

A more unified and independent emergency services organisation

- 3.97 Both the Coroner's report and the McLeod report made recommendations for emergency services to be provided by an independent statutory authority reporting directly to the responsible minister rather than from within the Department of Justice and Community Safety.¹⁶⁷ Their rationale included the need to 'reduce unnecessary layers of bureaucracy between the agency and the responsible Minister'¹⁶⁸ and for decision making to be undertaken by knowledgeable and experienced officers.
- 3.98 Whilst this recommendation was implemented in 2004, the ACT Government revised the arrangement in 2006 in order, it claimed, to reduce duplication of corporate functions and enhance financial management functions.¹⁶⁹ In response to the ACT Coroner's recommendations, the Government stated that 'the Emergencies Act 2004 ensures that operational decisions are made by the appropriate officers in the Emergency Services Agency, not by bureaucrats in the department'.¹⁷⁰ The establishment of the

¹⁶⁶ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 24-5.

¹⁶⁷ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 237; Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 216.

¹⁶⁸ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 216.

¹⁶⁹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 5.

¹⁷⁰ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 5.

Emergency Services Governance Committee also creates more direct consultation between the Minister and the Emergency Services Agency.¹⁷¹

- 3.99 In addition to the four services working more effectively with each other, ESA has established regular liaison with the AFP and 'deployment of Liaison Officers for incidents and Emergency Coordination Centres in larger scale events.¹⁷² Incident control teams for large scale emergencies will also involve senior and executive police. The roles of each agency are set out in the ACT Emergency Management Plan.¹⁷³

Australian Government and interstate contributions

- 3.100 The ACT Government is also a party to the national emergency management system which provides for liaison, joint operations and mutual support arrangements in emergency situations from Australian Government, state, territory and local governments as well as the community. The agreement also includes the provision of guidance and support from Australian Government to state and territory governments 'helping them develop and supporting their capacity to deal with emergencies within their boundaries'.¹⁷⁴

- 3.101 Emergency Management Australia coordinates the provision of physical assistance in the event of a major natural, technological or civil defence emergency when an emergency is beyond the response capacity and capability of the state or territory concerned. Financial assistance can also

¹⁷¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 5.

¹⁷² ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 19.

¹⁷³ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 19.

¹⁷⁴ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 157.

be provided by the Australian Government.¹⁷⁵ Emergency Management Australia is also active supporting the States and Territories in the development of mitigation and preparation strategies, including provision of 'education, training, research, public awareness, information collection and dissemination activities'¹⁷⁶ and provides meteorological and geological hazard warning and monitoring services when required.

- 3.102 The ACT also has a number of Memoranda of Understanding, mutual aid agreements and operational protocols with interstate emergency service organisations, land management agencies and through close relationships with private land managers.
- 3.103 The ACT Rural Fire Service maintains Memoranda of Understanding with NSW Rural Fire Service, NSW National Parks and Wildlife Services, the NSW Fire Brigade and NSW State Emergency Services.¹⁷⁷ These provide for cooperation and coordination of effort and provision of shared resources and services for joint operations, planning and fire mitigation work, shared training.¹⁷⁸
- 3.104 The agreements also provide for Joint Incident Management Teams to enable more unified control arrangements.¹⁷⁹ The main functional roles on a Joint Incident Management Teams are to be filled by personnel from the jurisdiction most affected by an emergency in consultation with the other affected jurisdictions appointing personnel to deputy positions, as required for the incident size and complexity. Joint Incident Management Teams also cooperate on, and share, planning, logistics and operational functions

¹⁷⁵ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 157.

¹⁷⁶ Emergency Management Australia <<http://www.ema.gov.au/agd/ema/emaInternet.nsf/Page/RWP11A286E12CB5FCA3CA256C480004F92F?OpenDocument>>

¹⁷⁷ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 2.

¹⁷⁸ Emergency Services Bureau (undated), *Memorandum of Understanding between the ACT Emergency Services Bureau and the NSW Rural Fire Service*, 3-4.

¹⁷⁹ Doogan, M, Coroner, (2006), *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, ACT Coroner's Court, Canberra, 220-1.

as well as resource acquisition.¹⁸⁰ Incident Management Teams also include members from land management agencies, rural areas and private individuals in functional positions where they have the necessary competence and experience. The personnel are vetted by the ACT Bushfire Council.¹⁸¹

- 3.105 Both ACT and NSW undertake risk assessments on likelihood and potential impact of fire spread from one jurisdiction into the other which are discussed at inter-jurisdictional meetings. The ACT Government has committed to formalising these processes with the surrounding regions of New South Wales.¹⁸²
- 3.106 The ESA, ACT Rural Fire Service and NSW Rural Fire Service have compatible radio communication systems to facilitate better interoperability and additional work is being undertaken to improve communications with land managers in NSW.¹⁸³
- 3.107 These agreements and associated measures aim to maximise protection for the ACT and NSW communities close to ACT borders and to ensure effective fire mitigation and response strategies are established.¹⁸⁴

¹⁸⁰ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 21.

¹⁸¹ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 7.

¹⁸² ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 21-2

¹⁸³ ACT Government (2007), *ACT Government Response to the recommendations of the Coroner's court in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, Canberra, 22.

¹⁸⁴ ACT Government (2007), *ACT Department of Justice and Community Safety Annual Report 2006-2007*, ACT Department of Justice and Community Safety, Canberra, 282.

Policy

Emergency Management Act 2004

- 3.108 The majority of recommendations regarding legislative changes in the inquiries have been incorporated into the Emergencies Act 2004 and subsequent variations to that Act.
- 3.109 The Emergencies Act 2004 consolidates and modernises the core requirements of previous legislation govern emergency services, including the Emergency Management Act 1999, the Bushfire Act 1936, Fire Brigade (Administration) Act 1974 and the Fire Brigade Act 1957. Consolidating these Acts had the advantage of further integrating the four services, making the legislation simpler, accessible and removing duplication and updating the service functions for example, include requirements for attendance to incidents involving hazardous materials.¹⁸⁵
- 3.110 Particular features of the Act noted in the McLeod report¹⁸⁶ recommendations include clarification of:
- The process for appointing a Territory Controller in a declared state of emergency and functions of the Territory Controller.
 - Delegation of Territory Controller functions
 - Responsibility for appointment of the chair of the Emergency Management Committee
 - Different levels of special powers, such as emergency powers for a declared state of emergency, commissioner's functions, functions of the chief officers and general powers of inspectors and investigators.
 - Procedures to ensure that all land managers now have revised and flexible environmental protection authorisations covering smoke emissions.

¹⁸⁵ Legislative Assembly for the ACT (2004), Emergencies Bill 2004 Explanatory Statement, Legislative Assembly for the ACT, Canberra 2-3.

¹⁸⁶ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 238.

and revisions to reflect the contemporary needs of the Rural Fire Service and role of the ACT Bushfire Council, advising the ESA and the Minister about matters relating to bushfires.¹⁸⁷

Other Legislation and Operational Policy

- 3.111 A handful of additional recommendations¹⁸⁸ were also made regarding other legislation, which have also been implemented. For example, the Building Code of Australia standards and guidelines relevant to bushfire prone areas have been adopted in the ACT.¹⁸⁹
- 3.112 Similarly, the Environmental Protection Act 1997 allows for burning for the purpose of protecting life or property, or controlling, extinguishing or preventing the spread of a fire – in keeping with the Glenn report recommendations for amendments to the now repealed Air Pollution Act 1984.¹⁹⁰
- 3.113 The McLeod report also recommended that a review of the Rural Fire control manual be undertaken and that it be replaced by new publications which cover public policy in relation to fire management, an operational policy manual and a set of operational procedures covering appropriate techniques and practices for fire management.¹⁹¹ Some elements of the existing manual have been incorporated into operational procedures and the Government intended to incorporate other elements into a new fire management policy.¹⁹²

¹⁸⁷ Legislative Assembly for the ACT (2004), *Emergencies Act 2004*, Legislative Assembly for the ACT, Canberra.

¹⁸⁸ Glenn, G (1995) Report of the Taskforce on Fuel Management Practices in the ACT, VI.

¹⁸⁹ Legislative Assembly for the ACT (2004), *Building Regulation 2004*, Legislative Assembly for the ACT, Canberra, s29A.

¹⁹⁰ Glenn, G (1995) Report of the Taskforce on Fuel Management Practices in the ACT, V.

¹⁹¹ McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra, 233.

¹⁹² ACT Government (2003), *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Canberra, 17.

4 COMMITTEE CONSIDERATIONS

- 4.1 The provision of fire and emergency services in the ACT has undergone a number of structural and policy changes in response to major bushfire events and inquiries yet there is ongoing discussion around how the Emergency Services Agency can be improved and developed into a best practice emergency services organisation.
- 4.2 The Standing Committee's inquiry will focus on the major areas of debate and invites feedback from stakeholders on the matters raised in this Issues Paper. In particular, it would appreciate responses to the issues listed below.

Major Issues for Comment

- What is the preferred organisational structure for emergency services operations to achieve the most efficient and effective service?
- Who should take primary responsibility for the various aspects of bushfire management: prevention, preparedness & planning, response, recovery?
- What is the appropriate level of responsibility to place on land managers with regard to preparation, planning and response to wildfire events?
- What is the responsibility of residents on the urban interface with regard to preparation, planning and response to wildfire events that threaten their property?
- How can the public best be informed about wildfire events as they unfold?
- What should be included in public education and awareness campaigns? How are these best delivered?
- What should the role of the ACT Bushfire Council be?
- What is the appropriate level of resourcing for each service and the Emergency Services Agency as a whole?
- What should the staffing arrangements be in the Emergency Services Agency and brigades?
- What replacement or additional equipment is required?
- What is the preferred approach to fire access and fuel management?

- **What is the preferred approach to control and containment of fires? Is a policy of suppression of all fires appropriate, particularly in natural reserve areas?**
- **Is there currently adequate co-operation in coordination between the emergency services units; between emergency services and land management agencies; between ACT and interstate emergency services agencies? How could these be improved?**
- **Are there possibilities of shared resources with interstate? What are the implications?**
- **Do the policies and operational plans adequately set out the roles and responsibilities of the parties, the preferred approach to each stage of the bushfire management (prevention, preparedness & planning, response, recovery)?**
- **Do the current structures and policies reflect the lessons learnt from the 2003 bushfires?**
- **Any other matter.**

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- Legislative Assembly for The Australian Capital Territory; *Standing Committee on Legal Affairs (2007), Proof Transcript of Evidence; Reference: Annual and financial reports 2006-2007 Canberra, Friday, 2 November 2007.* <<http://www.hansard.act.gov.au/hansard/2005/comms/default.htm>> accessed 21 November 2007.
- McBeth, H (1994), *The Fire Hazard Reduction Practices of the Australian Capital Territory Government*; ACT Parks and Conservation Service, unpublished.
- McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra.

APPENDIX A: Reports Considered by the Committee

Details of the major reports considered by the Committee for the purposes of this inquiry and the terms of reference of those reports are presented below.

Report	Terms of Reference
<p>The Canberra Firestorm: Inquests and Inquiry in to Four Deaths and Four Fires Between 8 and 18 January 2003</p> <p>December 2006</p> <p>Coroner's Report</p>	<p>The ACT Coroner's proceedings encompassed both:</p> <p>Inquests into the deaths of four people on 18 January 2003, when fires invaded a forestry settlement and Canberra suburbs.</p> <p>An inquiry into three ACT fires that joined a fire that began in NSW and then crossed the border into the ACT. All four fires were caused by lightning on 8 January 2003. The ACT fires were called the Bendora fire, the Stockyard Spur fire and the Mount Gingera fire; the fire that began in NSW was called the McIntyres Hut fire.</p>
<p>Report available at:</p> <p>Government Response available at:</p>	<p>http://www.courts.act.gov.au/BushfireInquiry/bushfireinquiry.htm</p> <p>http://www.esa.act.gov.au/ESAWebsite/content_esa/home_page/act_government_response.pdf</p>
<p>Inquiry into the Operational Response to the January 2003 Bushfires in the ACT</p> <p>August 2003</p> <p>"McLeod Inquiry"</p>	<p>The Inquiry examined and reported on the adequacy of the response to the bushfires by the ACT Emergency Services Bureau and its components (ACT Bushfire Services, ACT Emergency Services, ACT Fire Brigade and ACT Ambulance Service) and other relevant agencies, including ACT Policing, Environment ACT and ACT Forests with particular reference to:</p> <ul style="list-style-type: none"> • the preparation, planning and response to the bushfires and of strategies for the evaluation and management of bushfire threat and risk; • ESB's management structure, command and control arrangements, and public information strategy; • the coordination and cooperative arrangements with other ACT and interstate, Commonwealth and non-government agencies, including utility providers, for managing such emergencies; and • the adequacy of ESB's equipment, communications' systems, training and resources. <p>The Inquiry also advised the Government on the ACT's overall structure for dealing with emergency situations, given the Territory's unique context (geographic, population, financial and administrative), including the operation of the Emergency Management Act.</p>
<p>Report and Government Response available at:</p>	<p>http://www.cmd.act.gov.au/publications/archived_publications/mcleod_inquiry</p>
<p>Report of the Task Force on Bushfire Fuel Management Practices in the A.C.T.</p>	<p>The Task Force reviewed current practices for bushfire fuel management in the A.C.T and recommended appropriate policies and practices for bushfire fuel management in the A.C.T. having regard for the protection of life and property, environmental and</p>

August 1995 "Glenn Report"	conservation issues.
Report available at:	http://www.parliament.act.gov.au/committees/index1.asp?committee=66&inquiry=721
The Fire Hazard Reduction Practices of the ACT Government, ACT Parkes and Conservation Service September 1994 "McBeth Report"	Given the fire hazard reduction policy setting established by the ACT Parkes and Conservation Service, the project was to provide an expert opinion on the capacity of the activities undertaken by that Service to modify the impact of bushfires (either including deliberate, accidental and natural ignitions) on the urban interface with lands under its management.
Report available at:	http://www.parliament.act.gov.au/committees/index1.asp?committee=66&inquiry=721