

STANDING COMMITTEE ON LEGAL AFFAIRS

**ACT Fire and Emergency Services
Arrangements**

AUGUST 2008

Report 8 – Volume 2

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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.

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APPENDIX A: Submissions

Submission No	Author
1	Steve Loiterton
2	Confidential
3	ACT Volunteer Brigades Association
4	David Prince
5	Michael Ross
6	Minister for Police and Emergency Services
7	Minister for Police and Emergency Services

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APPENDIX B: Hearings, witnesses and inspections

Public Hearings

21 February 2008

Mr David Prince [Submission 4]

13 March 2008

Mr Val Jeffery

14 March 2008

Mr Brian Mansell, Australian Technology Industries

Mr Michael Ross, [Submission 5]

Mr Wayne West

ACT Volunteer Brigades Assoc (ACT VBA), Submission no.3

Mr Pat Barling

Mr Dave Wassal

Mr Rohan Scott

Mr Tony Greep

Mr Steve Virtue

19 March 2008

Mr Simon Corbell, MLA, Minister for Police and Emergency Services

Department of Justice and Community Safety

Mr Gregor Manson, Commissioner, ACT Emergency Services Agency

Ms Renee Leon, Chief Executive, Department of Justice and Community Services (JACS)

Mr Robert Carter, Deputy Chief Executive, JACS

11 April 2008

Mr John Hargreaves MLA, Minister for Territory and Municipal Services

Mr Hamish McNulty Executive Director, Environment & Recreation,
Department of Territory and Municipal Services

20 June 2008

Mr Peter Dunn AO

Mr Simon Corbell, Minister for Police and Emergency Services

Ms Renee Leon, Chief Executive, JACS

Mr Gregor Manson, Commissioner, Emergency Services Agency

Mr Brian Parry, Deputy Commissioner, Fire & Rescue, Emergency Services Agency & Chief Officer, ACT Fire Brigade

Mr Hamish McNulty, Executive Director, Environment & Recreation,
Department of Territory and Municipal Services

Mr Mike Zissler, Chief Executive, Department of Territory and Municipal
Services

22 July 2008

Inspection – Brindabella National Park

**APPENDIX C: McBeth, Glenn, McLeod and Doogan
inquiry recommendations and
Government responses**

Appendix C

McBeth, Glenn, McLeod and Doogan inquiry recommendations and Government responses

McBeth Report² 1994- 'Fire Hazard Reduction Practices of the ACT Government: ACT Parks and Conservation Service

Rec no	Text of Recommendation	Government Response/ Action taken	Comments
1	<p>The establishment of a Chief Ministers' Task Force/ Eminent Persons Group to undertake a review into all aspects of Rural Fire Services functions delivery, incorporating all agencies with land management, planning and bushfire emergency response or management activities pertaining to a bushfire.</p> <p>1.1 The Task Force or Eminent Persons Group would make recommendations for legislating organisational, structural, operational and program prioritisations, amendment or change within the ACT, using the McBeth report as the basis for such review.</p> <p>1.2 Such a task force should be balanced, drawing expertise from the following</p>	<p>Task force established by the Minister for Emergency Services Gary Humphries on 24 March 1995 to:</p> <ol style="list-style-type: none"> 1. review current practices for bushfire fuel management in the ACT; and 2. recommend appropriate policies and practices for bushfire fuel management in the ACT having regard to protection." of life and property, environmental and conservation issues. <p>Chairman of the Task Force was Mr Graham Glenn AO; former Secretary of the Commonwealth Department of Industrial Relations and Chairman of the ACT Electoral Commission.</p>	

² HR McBeth & Associates, *The Fire Hazard Reduction Practices of the Australian Capital Territory (ACT) Government ACT Parks and Conservation Service*, 29 September 1994

³ ACT Legislative Assembly, *Hansard* , 20 August 2003, p 2915

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>disciplines or areas:</p> <ul style="list-style-type: none"> ▫ Biological/Plant Species succession modelling; ▫ Bushfire ecology parameters and use of prescribed fire; ▫ Strategic Development Planning, within Parks and Conservation and Rural Fire Service delivery agencies; ▫ Public Actuarial Services, Hazard risk and financial services; ▫ Legal Service, Statutory Reform Process; ▫ Urban/Rural Planning and Building Design; ▫ Infrastructure, systems and fire suppression equipment. <p>1.3 The Task Force would examine the status of current programs within ACT Agencies, bench marking existing performance and delivery of programs or services against best practice throughout the Commonwealth. Evidence to be taken from:</p> <ul style="list-style-type: none"> ▫ all ACT Agencies associated with land management fire related functions; ▫ adjoining States' Agencies with land and fire management responsibilities; ▫ ACT Emergency Services who provide services or support to land management 	<p>Representatives included:</p> <ul style="list-style-type: none"> ▫ Society for Growing Australian Plants; ▫ Bush Fire Council; ▫ NSW Farmers Association; ▫ Department of Urban Services; ▫ Department of the Environment, Land and Planning; ▫ CSIRO ▫ ACT Parks and Conservation <p>Findings of the Task Force were reported in August 1995. Recommendations included:³</p> <ul style="list-style-type: none"> ▫ implementation of education programs be implemented to inform the public of the bushfire risks in the ACT; ▫ hazard reduction burning; ▫ the Building Code of Australia standards and guidelines relevant to bushfire prone areas to be adopted in the ACT and the building control authority to ensure their application in declared bushfire hazardous areas. 	

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>agencies</p> <ul style="list-style-type: none"> ▫ rural Lessees within the ACT; ▫ the Conservation Council and Affiliated Organisations; ▫ volunteer and urban fire service personnel; ▫ Australian Fire Authorities Council; ▫ CSIRO ▫ ACT Government Financial Services ▫ recreation; tourism, sport, heritage organisations; and ▫ local urban interface residents. 		
2	<p>Establish Whole of Government Policy pertaining to the sustainable and or acceptable use of prescribed fire (controlled burning), as a management tool for:</p> <p>2.1 All Land Use Classes, Defining Land Management Values within the process;</p> <p>2.2 Maintaining or improving existing biological diversity;</p> <p>2.3 Ensuring Appropriate age classifications (successional stages) within differing vegetation communities; and</p>	<p>Department of Environment Lands and Planning have had a number of reports presented to them by the ACT Rural Fire Service Personnel focusing on the need for controlled burning as a management tool.</p> <ul style="list-style-type: none"> ▫ Rural Fire Hazard Assessment in the ACT, July 1990 ▫ ACT Fire Hazard Assessment, July 1990 ▫ Hazard Reduction Burning and Air Quality (undated) <p>Using controlled fire to combat fire. Devising a Government Policy will require consultation with groups; both professional and interest groups, to ensure that:</p>	<p>Bushfire Act 1936 (Repealed 2004)</p> <ul style="list-style-type: none"> ▫ Part 5- Controlled Activities. Section 5S Prevention of Fires. ▫ s. 10 Lighting Fires for Burning Off.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	2.4 Providing an appropriate range of habitat options ensuring sustained vertebrate and invertebrate populations.	<ul style="list-style-type: none"> ▫ Protected/endangered flora and fauna are not imposed upon; ▫ Culturally significant sites for communities within the ACT are not vandalised or damaged; and ▫ Frequency of controlled burning is in accordance with the composition and successional stages of the biological community. 	
3	<p>Establish Whole of Government Policy to provide standards or specifications for the development and successive maintenance of vegetation management for:</p> <p>3.1 Fire Access Roads, Tracks and Trails;</p> <p>3.2 Ground Fuel Reduction Zones, 'Fuel Breaks' (Fire Break);</p> <p>3.3 Ground cover continuous/discontinuous fuel beds and fuel loads;</p> <p>3.4 Understorey to mid-storey distribution and density of plant species within fuel reduction zones</p> <p>3.5 Distribution and density of canopy species</p>	<p><i>Bushfire Act 1936 (Repealed 2004)</i> Part 6 Bushfire Prone Government Land. Section 11 D. Fuel Management Plans</p> <p>1981 the Council completed an Assessment of Hazards, but at the date of the McBeth report there had been no strategies implemented for reduction.</p> <p>1991 Hannon Group Pty Ltd reported on the ACT Fire and Emergency Services. This report graphically portrayed the circumstances, background and deficiencies of bushfire prevention management and the need for 'radical change.'</p> <p>At the time of this report, none of the recommendations from the 1991 report had been acted on.</p>	

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>within fuel reduction zones immediately adjacent to the urban interface;</p> <p>3.6 Dependent on specific site, slope and aspect, prescribe the physical dimensions of fuel break treatments as standards for points 3.1 to 3.5 above;</p> <p>3.7 Fuel reduction models usable around urban homes, rural lease high value assets or other built, cultural assets of significance in more remote rural settings, and property boundary fuel reduction minimum requirements</p> <p>3.8 New Urban sub-divisions prescribing minimum peripheral fuel reduction zone requirements (possibly based on existing urban ACT Urban Edge Zone Landscape, Works on publicly Managed Lands published June 1993)</p>		
4	<p>Develop Whole of Government, Hazard Mitigation Policy Incorporating:</p> <p>4.1 Hazard risk assessment models and associated programs;</p>		Action unknown

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>4.2 Establishment of one fire access track/road/trail network throughout the ACT;</p> <p>4.3 Strategic high risk fuels reduction plan and associated annual works program throughout the ACT.</p> <p>4.4 Establish Program Performance Assessment measures to validate the effectiveness of 4.2 and 4.3 above</p>		
5	<p>Develop Whole of Government Authorities Register for rare and endangered species, historic or sites of cultural significance, landscape quality and other values. For use, and to receive appropriate consideration in conjunction with the issues identified in recommendations 2, 4.2, 6 and 21</p>		Unable to ascertain a response.
6	<p>Develop a totally integrated geographic information system and supporting programs managed by one authority, to facilitate the implementation of matter identified in recommendations 2, 3, 4, 5 and 21</p>		Unable to ascertain a response.
7	<p>Pending the outcome of recommendation numbered 1 above, enforce current legal statutes and regulations on publicly owned lands;</p>		Unable to ascertain a response.
8	<p>Remove all existing urban residential garden</p>		Unable to ascertain a response.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	extensions, associated plantings, or other encroachments into publicly owned lands		
9	Amalgamate all bushfire continuum management functions and statutory accountabilities forming an ACT Bureau of Bushfire Services. Such a bureau would be a division with the Department of Environment, Land and Planning. Function being to manage the Bushfire Mitigation Parks and Conservation and ACT Government Lands Fire Continuum.	<p>ACT Emergency Community formed the Emergency Management Group. Later became the ACT Emergency Services Bureau which included the ACT Fire Brigade. This took place in the 'early 1990s'.⁴</p> <p>Not specifically an ACT Bureau of Bushfire Services, but an amalgamation of emergency services.</p>	
10	Establish a single Rural Fire Service within the Bureau of Bushfire Services.	<p>This was already provided for in Section 5K of the <i>Bushfire Act 1936</i>, then in force, which established the Rural Firefighting Service and its organisation.</p> <p>5K Service</p> <p>(1) The Rural Firefighting Service is established by this Act.</p> <p>(2) The service consists of the chief fire control officer and the numbers, respectively, of—</p>	

⁴ACT State Emergency Services 'History of the ACT State Emergency Services'
http://www.esa.act.gov.au/ESAWebsite/content_ses/about_us_page/history_page/history.html> 12 February 2008.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
		(a) fire control officers; and (b) bushfire brigades; that are determined by the Minister in writing. (3) A determination is a disallowable instrument. (4) The service has the organisation and structure set out in the manual.	
11	Amalgamate (where appropriate) current departmental and volunteer brigades, retaining specific volunteer brigades in relevant locations	No action taken on this recommendation.	
12	Establish a single chain of command, rank structure operational procedures, incident response, and management system, with an integrated training process.		Unable to ascertain a response.
13	Provide a formal training and accreditation process (based on National Fire Competency Standards) for Bushfire Incident Management on all ACT Government Lands, including urban whereby departmental staff or volunteers will manage, take command and control bushfires, subject to the individuals personal accreditation rating within the chain of command and rank structure.		Unable to ascertain a response.
14	14.1 Implement the Australian Fire Authorities Council, Australian Inter-Service		Unable to ascertain a response.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>Incident Management System (AIIMS) within all ACT Government Agencies who are involved with the Bushfire Continuum.</p> <p>14.2 The implementation of AIIMS will include all other volunteer or professional emergency services who undertake support or coordination functions to the Bureau of Bushfire Services Rural Fire Service</p> <p>14.3 Agencies to be included would be Police, Ambulance, State Emergency Service, Welfare, Medical Services and others considered appropriate.</p>		
15	<p>15.1 Develop and implement a Tertiary Certificate Course, course components being fire ecology, bushfire behaviour and application or use of prescribed fire.</p> <p>15.2 The Tertiary Certificate would be a component or model within the formal training and accreditation process. Refer Recommendation 13</p>		Unable to ascertain a response.
16	Establish branches, sections or units within the Bureau of Bush Fire Services and Rural Fire Service with appropriately qualified and		Unable to ascertain a response.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	experienced personnel to: Develop and implement the requirements of recommendations 2, 3,4,5,6 and 21.		
17	Within the Chain of Command of the Rural Fire Service, establish the roles, responsibilities and functions to be performed by any specific Office/Rank Holder. Providing unequivocal explanatory text pertaining to the Bushfire Prevention, Protection, Response, Incident Management, Control, Command or Co-ordination functions that each office bearer is to undertake.		Unable to ascertain a response.
18	The Chief Fire Control Office of the Rural Fire Service will occupy the position of the Director of the ACT Bureau of Bush Fire Service		Unable to ascertain a response.
19	Establish a mandatory Bush Fire Prevention and Mitigation Process throughout the ACT which all land owners, occupiers and managers are required to comply with through appropriated legislated Act and Regulations, enabling the facilitation of recommendations 2 to 8 through regulation.		Unable to ascertain a response.
20	20.1 Prescribe specific legislated	Function and role of the Bushfire Council set out in	Some action/initiatives

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>accountabilities, functions and roles to the ACT Bush Fire Council, the 'Peak' mandatory independent authority, which will report to the Chief Minister of the ACT Government;</p> <p>20.2 The Bush Fire Council will have total oversight responsibility for the Bushfire Management Continuum process throughout the ACT</p> <p>20.3 The Bushfire Council will have specific responsibility for Public Education and Awareness Programs;</p> <p>20.4 The Bush Fire Council will ensure that adequate and reasonable bushfire prevention, planning and mitigation programs are established, implemented and maintained throughout the ACT; and</p> <p>20.5 In association with all Government Land Management Agencies, the Commonwealth Government, The Bureau of Bush Fire Services and other land owners, occupier or</p>	<p>section 5A of the <i>Bushfire Act</i> 1993. <i>Bushfire Act</i> 1936, s 5H. Gives Council powers to take any action it deems necessary to prevent or control the outbreak or spread of fire.</p> <p><i>Bushfire Act</i> 1936</p> <ul style="list-style-type: none"> ▫ Section 5H. Council responsible for distributing information/literature relating to fire prevention and control. ▫ Section 7A. Publication of days of acute fire danger by newspaper, radio or television. <p>FIREBREAK is understood to be the first Volunteer Australian Bushfire Service to go online to the Internet (on 21 October 1994). FIREBREAK is a website managed by the ACT Volunteer Bushfire Brigades' Association. It is an online information resource about bushfire safety, bushfire behaviour and weather. It also provides an extensive history of bushfires and bushfire fighting in the ACT.⁵</p> <p>The Bureau of Bush Fire Service was reviewed by</p>	<p>implemented.</p>

⁵ACT Rural Fire Service, 'Firebreak' < http://www.esa.act.gov.au/ESAWebsite/content_rfs/firebreak/firebreak.html > 12 February 2008.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	managers, develop and maintain reasonable plans for bushfire prevention throughout the ACT.	the Task Force established in response to Recommendation 1.	
21	The Bureau of Bush Fire Services will jointly develop Regional, District, Sub-District and Site Specific Bushfire Prevention Plans, through and in association with three (3) Regional Bushfire Prevention Committees.		Unable to ascertain a response.
22	Three Regional Bushfire Prevention Committees to be established. Each Committee will report to the Bush Fire Council, the functions and role of each committee will be to ensure the development, implementation and maintenance of the Regional Bushfire Prevention Plan and supporting sub-plans.		<p>Unable to ascertain a response despite experiences and recommendations in other nearby States.</p> <p>For example, the NSW Inquiry into the 1993-94 fires found that fuel had not been managed efficiently in the years preceding the fires. (Approx 1989-93). Deputy State Coroner JW Hiatt recommended a re-structuring of the fire service to include in each local area at least one</p>

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
			designated Prevention Officer dedicated to Fire Management Policy. ⁶ Also, the Regional Bushfire Prevention Committee was created in South Australia under section 73 of the <i>Fire and Emergency Services Act 2005</i> . ⁷
23	The appointment of three (3) Regional Bushfire Prevention Officers with their principle functions being to act as Executive Officer to the Regional Committee, provide liaison co-ordination between all members of the Regional Committee ensuring appropriate bushfire prevention co-ordination within the Region, provide advice and guide the public on bushfire prevention and protection matters, reporting monthly to the Bush Fire Council regarding regional programs effectiveness.		Unable to ascertain a response.
24	The composition/representation of each		Unable to ascertain a response.

⁶Council of Australian Governments *Inquiry on Bushfire Mitigation and Management*, www.coagebushfireenquiry.gov.au/report/pdfs/appendix_C.pdf 2004. 273-275.

⁷ *Fire and Emergency Services Act 2005* (SA)

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	<p>Regional Committee will be:</p> <ul style="list-style-type: none"> ▫ The Regional Bushfire Prevention Officer (Executive Officer to the Committee) ▫ Public Urban Interface Community; ▫ Rural Lessees; ▫ Each Land Management Agency; ▫ The Urban Fire Service; ▫ Land Care Group; ▫ Conservation Council; ▫ Adjoining State Rural Fire Service; and ▫ Bureau of Bush Fire Services. <p>Co-opting when appropriate Commonwealth Government or others who may provide specific skills in particular areas.</p>		
25	<p>All ACT Land Management agencies will have responsibility and accountability for Bushfire prevention, protection, planning, incident response, co-ordination, suppression, control, management, finance and recovery of fire of those lands which they manage throughout the ACT through the structures and legislative arrangements contained in</p>	<ul style="list-style-type: none"> ▫ Reviewed by Task Force established in response to Recommendation 1. ▫ Some Government land managers had draft fire management plans and policies; however Task Force identified a number of problems.⁸ <p>This is now established in the Strategic Bushfire Management Plan.⁹</p>	Some action taken

⁸ Glenn, above 2, 9-10.

⁹ ACT Emergency Services Agency, 'The Strategic Bushfire Management Plan'

<http://www.esa.act.gov.au/ESAWebsite/content_esa/fire_safety/bushfire_management_plan_page/bushfire_management_plan.html> 12 February 2008.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	recommendations 2 to 42.		
26	The existing Land Managers Fire Liaison Group will be abolished at the time when three (3) Regional Bushfire Prevention Committees become established and are functioning.		Unable to ascertain a response.
27	The role, responsibility and functions of Land Management Agency Officers concerning the functions identified in recommendations 13, 15, 17 and 25 will be prescribed within job and person specifications/position information documents. Fire Management accredited competencies should form essential pre-requisite requirements for promotion/progression within agencies, after a specified commencement date.	The role and responsibilities of Land Managers has been outlined in the Strategic Bushfire Management Plan following the McLeod Report in August 2003. ¹⁰	Unable to ascertain a response.
28	Finalise an incident response boundary, between the Bureau of Bush Fire Services Rural Fire Service and ACT Urban Fire Service delineated by urban roads, subdivision boundaries or land section numbers.	Note however, the <i>Emergencies Act 2004</i> (ACT) specifies the areas terrain/landscape that the fire brigade and rural fire service are responsible for combating fire. ¹¹	Unable to ascertain a response.

¹⁰ ACT Emergency Services Agency, 'The Strategic Bushfire Management Plan'

<http://www.esa.act.gov.au/ESAWebsite/content_esa/fire_safety/bushfire_management_plan_page/bushfire_management_plan.html> 12 February 2008.

¹¹ *Emergencies Act 2004* (ACT) ss 44, 52.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
29	Develop and implement a review process with associated criteria for amendment or extension to the ACT Urban Fire Service incident response zone, to include new urban sub-divisions as they are developed and occupied.		Unable to ascertain a response.
30	For the purposes of Bushfire prevention, management and incident response, all unallotted ACT or Commonwealth lands within the ACT will be allocated to: (a) Regional Bushfire Prevention Committees; (b) Land Management Authority; and (c) Relevant Fire Service Thus ensuring existing unallotted lands are appropriately managed within the framework of the Bushfire Continuum.		Unable to ascertain a response.
31	For the purposes of recommendations 30 (a), (b) and (c) review and allocate lands to the ACT Forests Service.		Unable to ascertain a response.
32	For the purposes of incident management and costs recovery, establish through regulation, mutual aid and incident response agreements between the ACT Forests Service, ACT Rural and Urban Fire Services and other relevant emergency services. See recommendation 14.		Unable to ascertain a response.
33	Implement financial accounting system that		Unable to ascertain a response.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	will enable all costs associated with the Bushfire Continuum to be identified and allocated to the appropriate agency, division or section, basing such allocation on area of land mass protection responsibility.		
34	The ACT Bush Fire Council, Regional Bushfire Committees, Bureau of Bush Fire Services, Rural Fire Service and other agencies with statutory bushfire land management responsibilities should be funded and appropriately resourced to ensure delivery of outcomes or services which have been identified as strategic programs derived from Whole of Government legislation and policy.		Unable to ascertain a response.
35	Those Agencies identified in recommendation 34 will undertake review and upgrading of current infrastructure, technical systems and equipment to provide an integrated fire detection response and real time fire modelling facilities. Refer to recommendation 4, 6, 25 and 28.		Unable to ascertain a response.
36	Review current ACT Planning and Building Codes to ensure all new structures comply with National Building Control Standards for building in high bushfire hazard areas.		Unable to ascertain a response.
37	Review all current fire fighting water supply services on the urban interface, to ensure		Unable to ascertain a response.

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Rec no	Text of Recommendation	Government Response/ Action taken	Comments
	existing or proposed supply points are of sufficient volume, pressure and appropriately located to meet incident suppression requirements of the urban and rural fire services.		
38	Review the current Urban Infill Policy and associated 'Vacant' allotments with a view to establishing: (a) temporary grazing lease arrangements for fuel reduction purposes; or (b) sale of allotments for grazing purposes.		Unable to ascertain a response.
39	Review all existing walking, riding, cycling or pedestrian tracks/trails to ensure existing and/or proposed facilities have reasonable fuel reduction treatments. Refer Recommendation 3.1, 4.2 and 21.		Unable to ascertain a response.
40	Subject to the outcomes of Recommendation 1, permits for the lighting and maintaining of fires on Government Lands or other purposes will be issued and be the accountability of the relevant agencies district land manager.	Permit system existed and still does.	

Report of the Task Force on Bushfire Fuel Management Practices in the ACT [Glenn Report] ¹²**Date: 4 August 1995**

Rec no	Text of Recommendation	Government Response/Action taken	Comments
1	The Bushfire Service continues to prepare and disseminate broad scale bushfire hazard assessments.		Unable to ascertain a response.
2	ACT Government land managers undertake bushfire hazard assessment at the finer scales in consultation with the Chief Fire Control Officer of the Bushfire Service.		Unable to ascertain a response.
3	ACT Government land managers, in consultation with the residents, give priority to fuel reduction and to bushfire safety awareness education for residents in the identified high hazard areas, eg) those referred to in paragraph 4.5	Amendments made to the conduct of Preliminary Assessments and the process of notification under Part VI of the Act; simplification and streamlining of provisions relating to the giving of notice and public consultation. Planning and Leasehold management was combined into a single Group Notifiable Instrument, Bushfire Fuel Management Committee NI 1998-158, 26 May 1998- Gary Humphries Bush Fire Fuel Management Schemes compiled by ACT Forests, Environment ACT and Canberra	Action Taken- Amendment to <i>Land (Planning and Environment) Act with the Land (Planning and Environment)(Amendment) Bill No 4. 1996.</i>

¹² Graham Glenn, Chairman, *Report of the Task Force on Bushfire Fuel Management Practices in the ACT*, 4 August 1995

¹³ Notifiable Instrument 1998-158 *Bushfire Fuel Management Committee*, Mr Gary Humphries, Minister for Justice and Community Safety, 26 May 1998.
<<http://www.legislation.act.gov.au/ni/1998-158/19980610-22194/pdf/1998-158.pdf>> 10 January 2008.

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Rec no	Text of Recommendation	Government Response/Action taken	Comments
		Urban Parks be available for public inspection at ACT Shopfronts and ACT Libraries. ¹³	
4	<p>All ACT Government land managers produce bushfire fuel management plans for land for which they are responsible using the guidelines set out in Attachment F- Attachment F recommends:</p> <ol style="list-style-type: none"> (1) description of the area covered by the plan, including identification of relationships with neighbouring land use (2) Statement of bushfire management objectives for the area covered by the plan (3) An area specific assessment of bushfire hazard potential that identifies potential bushfire occurrences, intensities and rates of spread, and potential impacts on assests ecological values and other values (4) Fuel management strategies, including statements on the management of bushfire hazardous fuels, all hazard 	<p><i>Bushfire Act 1936</i> amended (1996) requiring Land Managers to develop Bushfire Fuel Management Plans for the Land managed. Section 11D- 'Fuel Management Plans' Fuel Management plan for an area of land shall include-</p> <ol style="list-style-type: none"> (a) a description of the area; and (b) a description of the neighbouring land uses and the relationships between them and the use of the area to which the plan applies; and (c) a detailed assessment of the bushfire hazard potential for the area; and (d) a description of any collaborative arrangements for managing bushfires and bushfire fuel in and around the area; and (e) statement of the bushfire fuel management objectives for the area; and (f) a description of the strategies by 	Action taken

¹⁴ *Bushfire Act 1936* (ACT) (Repealed) s 11D.

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Rec no	Text of Recommendation	Government Response/Action taken	Comments
	<p>reduction works and fuel break construction maintenance</p> <p>(5) A timetable for implementing works identified in the plan, including priorities, deadlines and responsibility for ensuring works implementation.</p> <p>(6) A statement on practices for evaluating and monitoring the effects of fuel management activities</p> <p>(7) A statement on the processes that will be implemented to take account of the dynamic nature of bushfire fuels and hazard assessment monitoring.</p>	<p>which the objectives are to be obtained; and</p> <p>(g) a program for implementing works identified in the plan; and</p> <p>(h) a description of the arrangements for monitoring and evaluating the effects of the strategies and works identified in the plan, including the associated reporting arrangements; and</p> <p>(i) any other matter considered relevant by the manager.¹⁴</p>	
5	<p>Fuel management plans be prepared within 12 months and that they be reviewed every 2 years thereafter.</p>	<p><i>Bushfire Act 1936</i> Section 11 F (Draft Plans) (1)(a) Draft fuel management plan to be submitted by the Manager to the Minister for approval within 12 months of commencement of section 11F (1)(b) Submitted at intervals not exceeding 2 years.¹⁵</p>	
6	<p>A Bushfire Fuel Management Committee comprising the Chief Fire Control Officer of the Bushfire Service and representatives from the following organisations be established:</p>		<p>Unable to ascertain a response.</p>

¹⁵ *Bushfire Act 1936* (ACT) (Repealed) s 11F.

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Rec no	Text of Recommendation	Government Response/Action taken	Comments
	<ul style="list-style-type: none"> ▣ ACT Forests ▣ ACT Parks and Conservation ▣ Rural Lessees Association ▣ Conservation Council of the South-East Region and Canberra 		
7	Fuel management plans be submitted to and approved by the Bushfire Fuel Management Committee	<i>Bushfire Act 1936</i> section 11F- Fuel Management plans to be submitted to the minister for approval not a bushfire fuel management committee.	
8	ACT Government land managers report on their fuel management works programs and compliance with their fuel management plan to the Bushfire Fuel Management Committee annually at the start of the prescribed bushfire season, and additionally report in their Annual Reports to the Legislative Assembly on the action taken in relation to fuel management generally	Under section 11N of <i>Bushfire Act 1936</i> report of bushfire fuel management activities must be prepared by the land manager and submitted to the Minister within 10 weeks of the end of the year to which the report relates. (s. 11N(6)(A)) The report will be presented to the Legislative Assembly by the Minister. (s. 11N (7))	
9	Rural Lessees not be required to prepare fuel management plans for approval.	S. 186C <i>Land (Planning & Environment)</i> Approved Form of Land Management Agreement-> DI 1999-271 at 3.3.6 Bushfire Risk Management, rural lessees excluded	

¹⁶Land (Planning and Environment) Approved Form of Land Management Agreement 1999, 3.3.6, < <http://www.legislation.act.gov.au/di/1999-271/default.asp>> 14 January 2008

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken	Comments
		<p>from legislative requirements under the <i>Bushfire Act 1936</i> to prepare Bushfire Management Plans.</p> <p>However, the Taskforce on Bushfire Fuel Management Practices in the ACT did suggest that similar requirements be incorporated into new lease agreements.¹⁶</p> <p>The current Land Management Agreement DI 2006-183 directs lessees to the guidelines set out in the <i>Emergencies Act 2004</i> and the <i>Strategic Bushfire Management Plan</i> for preparation and implementation of mandatory bushfire plans.¹⁷</p>	
10	The Commonwealth managed lands be included in the overall hazard mitigation process through the development of a memorandum of understanding between the Commonwealth and the ACT Government covering fuel management practices on Commonwealth lands		Unable to ascertain a response.
11	Revised fuel management plan and compliance requirements for ACT	<i>Bushfire Act 1936</i> , amended 1996. Section 11C established a requirement that government	

¹⁷Land (Planning and Environment) Approved Form of Land Management Agreement 2006 < www.legislation.act.gov.au/di/2006-183/current/pdf/2006-183.pdf > 14 January 2008.

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Rec no	Text of Recommendation	Government Response/Action taken	Comments
	Government land managers be incorporated into the Bushfire Act	land be subject to fuel management plans, but this was limited to 'areas of land only in relation to matters for which the Territory has responsibility because of an arrangement with the Commonwealth'. Note also s 11B- 'Application to Government Land'	
12	If sufficient resources can be directed to the task an ACT Government land manager lease and manage the Bush Fire Council Lease Area- otherwise the lease be surrendered to NSW.		Unable to ascertain a response.
13	The responsibilities of ACTEW be clarified in regard to the clearing and fuel management of power and water easements		Unable to ascertain a response.
14	Rural roadsides and any other areas of unallocated land be made the responsibility of a specific land manager for fuel management purposes		Unable to ascertain a response.
15	The Chief Fire Control Officer continue approving hazard reduction burning proposals on the basis of fire risk and taking into account the impact of smoke and other practical considerations		Unable to ascertain a response.
16	Education programs implemented to inform the public of the bushfire risks in the ACT, the need for hazard reduction burning and the inevitability of some impact from smoke.	ACT Fire Prevention Handbook.-Printed and distributed in 1995, 1996 and May 2002. The primary target was primary school children and therefore the book was distributed at	Some action known

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Rec no	Text of Recommendation	Government Response/Action taken	Comments
		primary schools.	
17	All prescribed burning programs be publicised in the media.		Unknown.
18	Section 27A of the Air Pollution Act be amended to allow burning for ecological purposes	<i>Air Pollution Act 1984 (ACT)</i> repealed by the <i>Environment Protection (Consequential Provisions) Act 1997 (ACT)</i> . ¹⁸ Section 9 of the <i>Environment Protection (Consequential Provisions) Act 1997 (ACT)</i> allows for the granting of permits for the burning of plant matter. ¹⁹	.
19	Subsection 27A(3)(c) of the Air Pollution Act be deleted	<i>Air Pollution Act 1984 (ACT)</i> repealed by <i>Environment Protection (Consequential Provisions) Act 1997 (ACT)</i> .	
20	Land managers take into account all the hazard reduction techniques available when preparing fuel management plans and choose effective and cost efficient strategies	See section 11D of <i>Bushfire Act 1936 (ACT)</i> . See also, section 11L which provides for public inspection of fuel management plans.	
21	The Chief Territory Planner, on the advice of the Chief Fire Control Officer of the Bushfire Service, be responsible for the declaration of	See section 11M of <i>Bushfire Act 1936 (ACT)</i> .	

¹⁸ *Environment Protection (Consequential Provisions) Act 1997 (ACT)* (Repealed).

¹⁹ *Environment Protection (Consequential Provisions) Act 1997 (ACT)* (Repealed), s 9.

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Rec no	Text of Recommendation	Government Response/Action taken	Comments
	urban areas as bushfire hazardous areas		
22	The Building Code of Australia standards and guidelines relevant to bushfire prone areas be adopted in the ACT and the building control authority ensure their application in declared bushfire hazardous areas.	Building Code of Australia adopted by DI 1997-80 21 May 1997. ²⁰ Building Code of Australia continues to have effect in ACT; updated Building Codes successively updated. Current DI 2005-176 effective from 12 August 2005. ²¹	
23	Urban edge guidelines be revised by Public Works and Services taking into account bushfire hazard assessments;		Unable to ascertain a response.
24	The revised guidelines be applied where feasible to all existing and future urban edge areas.		Unable to ascertain a response.

²⁰ Building (Adoption of Building Code) Determination 1997 (repealed), DI 1997-80, < <http://www.legislation.act.gov.au/di/1997-80/default.asp> > 12 February 2008.

²¹ Building (ACT Appendix to the Building Code of Australia) Determination 2005. DI 2005- 176 < <http://www.legislation.act.gov.au/di/2005-176/> > 12 February 2008.

McLeod Report: Inquiry into the Operational Response to the January 2003 Bushfires in the ACT, August 2003.

The Government agreed to all the recommendations of the McLeod report.

Rec no	Text of Recommendation	Government Response/Action proposed	Comments
1	The ACT Bushfire Fuel Management Plan should be reviewed in the light of changed circumstances since the January 2003 fires. Increased emphasis should be given to controlled burning as a fuel-reduction strategy.	Review conducted and resulted in the publication of Versions 1 and 2 of the <i>Strategic Bushfire Management Plan for the ACT</i> = Version 1- Approved by Legislature and released January 2005. This was an interim plan and was effective until 1 July 2005. = Version 2- 10 year plan released 1 July 2005.	
2	The Victorian Code of Practice for Fire Management on Public Land should be used as a 'best-practice' guide when revising the ACT Bushfire Fuel Management Plan and a similar set of priorities should be developed in relation to zones identified in the Plan.	No direct reference to the Code in the <i>Strategic Bushfire Management Plan</i> , however the Chief Minister in his response to the McLeod Report agreed to this recommendation saying that the Victorian Code would be considered in the review of the ACT Bushfire Management Plan. ²²	
3	An addendum to the existing 2002-04 Bushfire Fuel Management Plan needs to be prepared prior to the 2003-2004 bushfire season, noting the extensive consultation process required under the Bushfire Act 1936.	Appendices to the <i>Strategic Bushfire Management Plan</i> included maps of the abatement zone, bushfire risk areas and areas to undergo fuel reduction activities. ²³	

²² *Government Response to the Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 19 August 2003, p 10.

²³ *Strategic Bushfire Management Plan for the ACT*, pp 99-109.

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	This addendum should focus on the area unaffected by the 2003 fires and the buffer zone surrounding Canberra's exposed northern and western perimeter. The addendum should be submitted to government for approval.	<i>Supplementary Appropriation Bill</i> allocated \$1,684,000.00 to this work.	
4	An annual audit of achievements under the Bushfire Fuel Management Plan should be conducted with the results reported to government and published.		
5	A public information strategy should be prepared to educate the ACT community about the beneficial and protective aspects of fuel-reduction burning and about the degree of inconvenience that will inevitably result for ACT residents during such burning. This should accompany the public launch of the revised Bushfire Fuel Management Plan.		
6	The approval process for individual fuel - reduction burns that are consistent with the government approved Bushfire Fuel Management Plan should be simplified so as to enable the limited time when the whether conditions are right to be used to maximum advantage.	Government developing simplified process providing land managers with revised and flexible authorisations.	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
7	Clear policy guidelines should be developed and implemented to support the identification of a strategic network of fire tracts and trials and their establishment and maintenance. An audit process should be instituted to ensure that the policy's effectiveness is regularly monitored.	Emergency Services Agency has pledged to develop policies and guidelines, and processes to achieve implementation, to help 'improve the Governance environment within which it operates.' Work on these guidelines commenced in August 2007. ²⁴	
8	A risk assessment should be conducted by ESB to assist in determining access needs across the ACT, linked to interstate requirements, with advice being provided by land managers.	The government advised that a risk assessment would be conducted and used to inform the 2004-06 Bushfire Fuel Management plan. Outcome of the assessment is unknown.	
9	ESB should coordinate the development of emergency management mapping products such as 'map books' for police, land managers, emergency service crews and incident management teams; these should be produced in both printed and data form.		
10	Greater opportunity should be provided for all senior fire-fighters to become more familiar with remote areas of the ACT	ACT Government agreed to implement a program through the Land Managers Fire Liaison group prior to the 2003-04 fire season. Outcome unknown.	Agreed.

²⁴ ACT Emergency Services Agency, Draft Business Plan 2007/08-2009/10, A Supporting Plan to the Department of Justice and Community Safety, May 2007, 14. <http://www.esb.act.gov.au/ESA_Business_Plan.pdf> 15 January 2008.

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
11	Sufficient funding should be provided for additional crews and plan, so that a program of improved fire access and trail site maintenance can be implemented.	<p><i>Appropriation Bill 2003-2004 (No 2).</i></p> <ul style="list-style-type: none"> ▫ \$1.648 million for fuel reduction and access trail upgrades ▫ \$2m provided over the 2003-2007 period for increased maintenance of existing fire trails. 	
12	Responsibility for fire access should lie with the land managers: advice and auditing functions should be the province of the fire authorities.	Responsibility for land access to lie with ACT Planning and Land Authority. However, a joint venture was formed between ACT Planning and Land Authority with the NSW Government for the publication of 16 topographical maps to enable identification of access trails and therefore continuing management.	
13	Aerial bombing should remain a capability used in the ACT during bushfires, with particular emphasis on using the aircraft for water bombing as an immediate response- as soon as fires are detected. This should be backed up by the use of ground crews.	Funding to enable this budgeted for in the <i>Supplementary Appropriations Bill 2003-04 (No 2)</i> (See Comment at Recommendation 15 below).	
14	A small number of ACT fire-fighters should be trained as air attack supervisors, to provide a capability when the number of aircraft involved requires it.	ACT fire fighters have the opportunity to train as aviation fire fighters.	
15	To enhance its initial attack capability as well as to provide it with greater flexibility in the utilisation of aerial assets, the ACT should employ a medium-lift helicopter, rather than a dedicated light helicopter, to support its fire-suppression operations during the peak	Program implemented enabling the ACT to have use of a medium lift helicopter for 6 week period during the peak of the bushfire season. The cost of this was provided for in the <i>Supplementary Appropriations Bill</i> – allocated \$0.902m for 2003-2004 bushfire season and \$0.732m in the following	

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	of future bushfire seasons. Such an aircraft, coupled with the potential use of the Snowy Hydro Southcare helicopter (when it is not engaged for medivac purposes), would provide greater flexibility and a fair more formidable first-strike capability.	years.	
16	The ACT Bushfire Service should seek a joint agreement with the NSW Rural Fire Service, for the purpose of providing the ACT with enhanced capacity to draw on aerial expertise, aircraft availability and efficiencies afforded by a much larger bushfire service.	'Memorandum of Understanding Between NSW Rural Bushfire Service and Australian Capital Territory Emergency Services and New South Wales Rural Fire Service' – Agreement 6, 'Aviation Management'	
17	The ACT Bushfire Service should explore conducting a joint trial with the N.S.W Rural Fire Service to assess the effectiveness of retardant bombing.	Provided for in Memorandum of Understanding between ACT ESA and NSW RFS.	
18	The ACT should continue to participate in Commonwealth-level discussions that may result in enhanced aerial support for fire fighting becoming available on a national basis in the future.		
19	The ACT Government should take urgent steps to upgrade the Emergency Services Bureau's operational command and control facilities- either by carrying out a major	Government has provided \$17.235m capital funding for new Emergency Services Agency headquarters to be built at the Fairbairn precinct at Canberra Airport. Building commenced April 2007	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	refurbishment of the existing facility at Curtin or, preferably, by locating to a more suitable alternative site, where a more functional, longer term operations centre can be developed.	and the move is intended to be complete by October 2008. ²⁵	
20	The ACT Bushfire Service should review the current Incident Control System arrangements, through an inter-agency workshop involving ESB, the ACT Fire Brigade, the Department of Urban Services and ACT Policing, to better clarify the application of the system. In particular, incident controllers should not be expected to operate when separated from their supporting elements; they should function as part of a cohesive, integrated management team.	Workshops organised. First one held on August 14 2003. Training materials and programs were being revised at the time of the report. The Joint Emergency Services Training Academy was established to develop, provide and maintain training and assessment initiatives for all ESA staff, including volunteers. ²⁶	
21	ESB should establish joint ICS teams, made up of ACT Bushfire Service, ACT Fire Brigade and Department of Urban Services personnel, to jointly manage emergency incidents within the ACT regardless of location or the services'	This was being considered alongside the revision of training programs and workshops.	

²⁵ ACT Emergency Services Agency, Draft Business Plan 2007/08-2009/10, A Supporting Plan to the Department of Justice and Community Safety, May 2007, 16. <http://www.esb.act.gov.au/ESA_Business_Plan.pdf> January 16 2008.

²⁶ Emergency Services Agency, Annual Report 2004-2005, 8. <http://www.esa.act.gov.au/ESAWebsite/content_esa/home_page/esa_annual_report_2004_05.pdf> 12 February 2008.

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	areas of responsibility		
22	Facilities at ESB headquarters should be such as to provide the best opportunity for the ICS to function at a tactical and strategic level in accordance with the Australasian Fire Authorities Council Doctrine.	Funding to adequately equip headquarters provided for in <i>Supplementary Appropriations Bill 2003-2004 (No 2)</i>	
23	Four rural pumpers should be added to the fire service fleet, specifically for use in the urban-rural interface.	Budgeted for in the <i>Supplementary Appropriations Bill 2003-2004 (No 2)</i> . Cost \$1.34m Four tankers to be received by June 2004.	
24	Work already begun on the review of the <i>Rural Fire Control Manual</i> should be resumed with the view to replacing the manual by new publications that cover the following: <ul style="list-style-type: none"> <li data-bbox="315 778 936 850">= A document detailing public policy in relation to fire management <li data-bbox="315 858 936 930">= An operational policy manual for internal use <li data-bbox="315 938 936 1090">= A supporting set of standing operational procedures covering techniques and practices reflected in the Basic Training Modules publications. 	<i>Rural Fire Control Manual</i> lapsed when the <i>Bushfire Act</i> was repealed on 1 July 2004.	
25	In conjunction with the land management agencies, ESB should undertake a review of training and development needs for personnel involved in fire fighting activities and develop a detailed future plan identifying any additional funds required to support such a program. The plan should be submitted to	Funds provided for in <i>Supplementary Appropriations Bill</i> - \$0.23m in 2003-2004 and \$0.49m in years to follow.	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	government for consideration as soon as possible. It should take into account of the comments and recommendations in this report that bear on training and development, including the need for secondments interstate with other fire authorities.		
26	The Government should consider the proposals when they are submitted with the view to allocating some additional funding to enable the bushfire authorities to improve the training and professional development opportunities available to paid and volunteer personnel, in the interests of in creating their skill base and experience.	<p><i>Supplementary Appropriations Bill (2003-2004) - \$0.550m allocated for training for the in readiness of the summer period to improve staff response rates and skills, particularly in remote areas.</i></p> <p>Training programs and recruitment drives continuing.</p>	
27	An outdoor training complex for all emergency service organisations should be provided; ESB should develop a detailed proposal for submission to government consideration.	Outdoor training centre included in plans for new headquarters build at Fairbairn.	
28	A procedure should be adopted whereby important operational decisions affecting the safety of fire-fighters are discussed with a more senior officer before implementation, whenever this approach is feasible.		
29	The responsible Minister should clarify the application of the ACT <i>Occupational Health and Safety Act 1989</i> to volunteers by issuing ministerial directive.		

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
30	Upon the Minister's directive coming into force, a legislative amendment should be made to continue the application of the protections against prosecution afforded under the <i>Bushfire Act 1936</i> .	<i>Emergencies Act 2004</i> (ACT) repealed the <i>Bushfires Act 1936</i> (ACT). Protection against prosecution ensured in s 198.	
31	The Chief Executives of the Department of Urban Services and the Department of Justice and Community Safety should work together to develop the means by which the public land managers and the ACT Bushfire Service can achieve a stronger, mutually supportive relationship.	The <i>Strategic Bushfire Management Plan For the ACT</i> explains the role of groups and agencies in the preparation and management of land during the bushfire season to ensure that services and support between and within departments is solid.	
32	Operational procedures should be amended once additional land management resources are in place, to reflect the responsibility of land managers to initiate the first response to fires on land that they manage- within the overall operational response of the ACT Bushfire Service.	See above.	
33	An automatic weather station should be located in the Brindabella Range to assist with fire weather forecasting.	<i>Supplementary Appropriation Bill 2003-2004 (No 2)</i> - allocated \$40,000.00 for Station in Brindabella Range.	
34	The current discussions aimed at developing a possible memorandum of understanding between the ACT Bushfire Service and the NSW Rural Fire Service should proceed as a matter of urgency.	Memorandum of Understanding Between NSW Rural Bushfire Service and Australian Capital Territory Emergency Services and New South Wales Rural Fire Service was entered into the October 2003. Memoranda of Understanding establishing working relationships also exist with	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
		the New South Wales Fire Brigade, Ambulance Service of New South Wales and the New South Wales State Emergency Service.	
35	The ACT should initiate discussions with New South Wales authorities in relation to ways in which the current relationship could be developed at a regional level, with the aim of strengthening the linkages between kindred agencies and identifying how the resources available in the ACT and the surrounding regions could be more easily mobilised in serious emergency situations- to the advantage of both jurisdictions.	See above.	
36	The level of resources for the training and operational exercising of volunteer bushfire and emergency service personnel should be increased, to improve current skill and experience levels.	The <i>Supplementary Appropriations Bill 2003-2004</i> allocated \$0.52 million with \$0.49 million in the forward years for additional training and technology for ESB authority and personnel. This included volunteers. Furthermore, under clause 11 of the Memorandum of Understanding between the ACT ESA and NSW RFS, joint training exercises and development activities were agreed to.	
37	Environment ACT and ACT Forests should employ additional summer personnel as fire fighters and fire prevention workers to improve the ACT 's fire fighting capability, particularly in terms of rapid deployment to fires in remote areas.	\$0.550 million allocated in 2003/04, and the forward years, for an addition 24 staff and necessary equipment for the summer period. This staff, when not required for combating bushfires, would be employed to in fuel reduction exercises. The <i>Supplementary Appropriations Bill 2003</i> also	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
		allocates \$0.268 million for an all terrain Remote Area Communications Relay Vehicle.	
38	These staff should provide land management agencies with a capability to be first responders to fires on land they manage	See above.	
39	ESB should be allocated additional resources so that it can upgrade its public education capability to support a stronger, continuing campaign of public education directed at improving the Canberra community's bushfire awareness, its understanding of the nature of the threat, and its knowledge of how people can better protect themselves and their properties. The campaign should draw on the public education experience of interstate bushfire authorities, particularly the County Fire Authority of Victoria.	<p>In 2003 every household received a bushfire awareness packaged. This scheme cost approximately half a million dollars.²⁷</p> <p>Bushfire awareness campaigns in the ACT have continued. Community awareness campaign calling on Canberra residents to prepare their homes for the summer period.²⁸</p>	

²⁷ Legislative Assembly for the ACT *Hansard* 23 August 2003, 3175

²⁸ *New Bushfire Awareness Campaign Kicks In*, Media Release, Jon Stanhope Chief Minister, ACT, 3 December 2007.< www.chiefminister.act.gov.au> 28 January 2008.

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
40	Initiatives such as fire guard and other forms of direct community support should be introduced to encourage self-help arrangements in the community	\$400,000.00 allocated in 2003 and forward years for the employment of community education and risk management officers. ²⁹	
41	<p>The message to the community should include acknowledgment that in major bushfire emergencies:</p> <ul style="list-style-type: none"> ▫ The authorities are unable to guarantee that firefighters will always be available to assist ▫ Householders generally need to take sensible precautions and be prepared, if that is their choice, to protect their own lives and properties. ▫ The authorities are committed to doing all they can to help, including advising the community on how best to go about achieving a higher degree of personal and 	<p>Emergency Fact sheets available through Department of Disability, Housing and Community Services ACT. These fact sheets have been taken from State of Emergency Recovery Unit, Operations Division, Victorian Government, 2002.</p> <p>Emergency Services Authority prepared a guide for ACT residents <i>Bushfires and the Bush Capital</i> about preparing and copy with bushfires. This guide was first published in the Canberra Times as a supplement on Sunday 10 October 2004.³⁰</p>	

²⁹ Legislative Assembly for the ACT *Hansard*, 26 August, 3175 < <http://www.hansard.act.gov.au/hansard/2003/week09/3175.htm> > 28 January 2008.

³⁰ ACT Emergency Services Agency 'Bushfires in the Capital- A guide for the ACT' <http://www.esa.act.gov.au/ESAWebsite/content_esa/community_education/bushfires_in_the_bush_capital/bushfires_in_the_capital.html> 12 February 2008. See also Simon Corbell, Media Release 'New Bushfire Awareness Campaign Kicks In' - acknowledges that "In a major bushfire we will never have enough fire fighters and vehicles to defend every home in every street, so it's vital householders play their part in being prepared." <<http://www.chiefminister.act.gov.au/media.asp?media=3227§ion=52&title=media&id=52>> 12 February 2008.

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	household self-reliance.		
42	The Media Sub-Plan of the ACT Emergency Plan should be reviewed to include a greater focus on the provision of community information.	Review was underway when the Government responded to the McLeod Report. Work was expected to be completed by 1 October 2003.	
43	Well-defined, well-practiced processes should be developed to support the delivery of information to the public. This includes improving the alert mechanisms for residents prior to an emerging danger period.	<p>Awareness package. \$0.511m allocated in <i>Supplementary Appropriations Bill 2003-2004 (No 2)</i> for development of an appropriate package. Television, newspaper, radio advertising campaign throughout the bushfire season. Opportunity to boost awareness about bushfires preparedness will also occur at events such as Floriade and Canberra Show.</p>	
44	Media communications systems and facilities at ESB headquarters should be improved.	<i>Supplementary Appropriations Bill 2003-2004 (No 2)</i> provided \$0.173m for purchase and maintenance of communication and IT equipment upgrade.	
45	There should be greater coordination of the content of whole-of-government media releases and messages.	<p>ACT Emergency Services Agency has agreements in place with media outlets to ensure emergency warnings are broadcasts at any time day or night throughout the year. Agreements have been made with:</p> <ul style="list-style-type: none"> ▫ ABC Radio Canberra ▫ ABC TV, WIN TV, Prime TV and Southern Cross Ten. ▫ Canberra Times Newspaper. <p>Information is also broadcast via the Emergency Services Webpage.</p>	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
46	Back-up power should be available for the Canberra Connect call centre.	\$0.200 m allocated in the <i>Supplementary Appropriations Bill 2003-2004 (No 2)</i> for purchase of this backup generator.	
47	The Community Information Sub-Plan of the ACT Emergency Plan should be reviewed to reflect needs broader than just media arrangements.		
48	The role of Canberra Connect has demonstrated it can play should be included as part of a revised Media Sub-Plan of the ACT Emergency Plan.	<p>ACT Emergency Information page within the Canberra Connect home page.</p> <p>www.emergencyinformation.act.gov.au</p> <ul style="list-style-type: none"> ▫ Last updated 8 July 2008 ▫ Link to 'Emergencies and the National Capital- A Residents Guide'. 	
49	Before each bushfire season familiarisation briefing sessions should be held for the media.		
50	ESB should have the capacity to engage an experienced media director to be available in an emergency, to coordinate the provisions of information to the media and for general public information purposes.		
51	ACT Policing and the Emergency Services Bureau should develop as a matter of urgency- and before the start of the 2004-05 bushfire season- a joint protocol covering their policy on community safety and evacuation during bushfires, having regard to	Agreed with recommendation and Government 'fully supported and endorses the Australasian Fire Authorities Council'	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	the framework adopted by the Australasian Fire Authorities Council and the evacuation provisions in the Victorian County Fire Authority Act.		
52	A sub-plan of the ACT Emergency Plan should be developed to assist with the design and special arrangements to cater for the needs of ACT residents who live beyond the city bounds.	Implementation of the Community Fire Unit Program. Training of 360 volunteers.	
53	The separate organisations that make up the emergency services group that is coordinated by the Emergency Services Bureau, and the associated arrangements, should be replaced by a statutory authority, the ACT Emergency Services Authority.	ACT Emergency Services Authority was formed on 1 July 2004 and existed until 30 June 2006, after which time it became an agency within the Department of Justice and Community Safety.	
54	The proposed authority should be headed by a Chief Executive Officer.	Under section 7 of the <i>Emergencies Act 2004</i> (ACT), the position of Emergency Services Commissioner has been created.	
55	The position of Chief Executive Officer should be advertised and filled on a contract basis before the enactment of the legislation. In this way the person appointed can contribute to formulating the legislation and the transition process can begin without delay.		
56	Upon the abolition of the Emergency Services Bureau, a small policy formulation unit should be established in the department that supports the Minister responsible for	Part 7.1 of the <i>Emergency Services Act 2004</i> establishes the Emergency Management Committee. This committee is made up of the: <ul style="list-style-type: none"> ▫ Commissioner 	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	<p>emergency management.</p>	<ul style="list-style-type: none"> ▫ Chief officer of the ambulance, fire brigade, rural fire service, SES, chief police officer, chief health officer and anybody else appointed to the committee by the Commissioner. <p>The committee is responsible for liaising between the entities in relation to the management of an emergency.</p>	
57	<p>The ACT's <i>Emergency Management Act 1999</i> should be reviewed with the aim of preparing legislation that provides as follows:</p> <ul style="list-style-type: none"> ▫ In a declared state of emergency, the ACT Government should have the capacity to as Territory Controller a person who is considered to be best qualified to take this role, having regard to the nature of the emergency or event giving rise to the declaration. ▫ The Controller shall have the capacity to delegate to a nominated person any or all of the powers that have been assigned under the instrument of appointment as controller. ▫ The chair of the Emergency Management Committee shall be appointed by the Minister responsible for the administration of the Emergency Management Act. ▫ There should be a capacity for different levels of special powers and the capacity 	<p>See above.</p>	

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	<p>for escalation to be invoked to assist in the management of emergencies, having regard to the differing scales or types of emergencies that may arise of the changing nature of an emergency during its course.</p>		
58	<p>The <i>Bushfire Act 1936</i> should be reviewed and redesigned to reflect contemporary needs, and ACT Bush Fire Council's role should be re-expressed in the Act to more accurately describe its current activity.</p>	<p><i>Bushfire Act 1936</i> repealed and replaced by <i>Emergencies Act 2004</i>. Chapter 6 of the <i>Emergencies Act 2004</i> establishes and outlines the powers and function of the Bushfire Council. Section 130 of the <i>Emergencies Act 2004</i> states that the function of the Bushfire Council is to:</p> <ul style="list-style-type: none"> ▫ Advise the Minister on matters relating to bushfires. ▫ If the commissioner asks for the bushfire council's advice before exercising a function relating to bushfires, the council also has the function of advising the commissioner about the exercise of the function. ▫ The bushfire council may exercise any other function given to it under this Act or another territory law. 	
59	<p>A fire-abatement zone should be defined between the north-west and western perimeter of Canberra and the Murrumbidgee River and the foothills of the Brindabella</p>	<p>Spatial Plan developed by Non-Urban Land Study and the Urban Edge Review. Plan released March 2004.</p>	

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Rec no	Text of Recommendation	Government Response/Action proposed	Comments
	Range.		
60	A set of Bushfire Protection Planning Principles in relation to fire mitigation and suppression should be adopted and applied to future developments in the designated abatement zone.	See above.	
61	The abatement zone should be declared a bushfire prone area, and the requirements of the Building Code of Australia- in particular, its standards for bush-fire prone areas- should be applied to all future developments in the zone.	<i>Emergencies (Response Arrangements for Fires in Bushfire Abatement Zone) Authority Guidelines 2004 NI 2004-499.</i>	

Maria Doogan, Coroner, 'The Canberra Firestorm. Inquests and Inquiry into Four Deaths and Four Fires between 8 and 18 January 2003', December 2006

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
1	<p>The Attorney-General and the ACT Government- in consultation with the Chief Justice of the ACT and the ACT Chief Magistrate- take legislative action that would have the effect of funds being directly appropriated annually to the courts, preferably along the lines of the Commonwealth model as it applies to the High Court of Australia, the Federal Court of the Australia, the Family Court of Australia and the Federal Magistrates Court. Alternatively, the funds could be appropriated in accordance with the South Australian Model, which has a separate Courts Administration Authority.</p>		Not agreed
2	<p>The ACT's <i>Director of Public Prosecutions Act 1990</i> be amended by repealing s 6(d) of the Act.</p>		No action taken.
3	<p>Amendment of s.59 of the ACT <i>Coroner's Act 1997</i> by deleting the words 'by instruments' in s. 59(1) and by deleting the words 'by his or her instrument of appointment' in s. 59(2)(b).</p>	<p>Section 59(1) amended by part 3.24 of the <i>Statute Law Amendment Act 2007 (No 2)</i> Section 59(2)(b) has not been amended.</p>	
4	<p>Section 47 of the ACT <i>Coroner's Act 1997</i> be</p>		No action taken.

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Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	expanded to explicitly state that an inquest and inquiry are not adversarial in nature and are solely inquisitorial, with a view to establishing the truth.		
5	ACT Government consider amending the <i>Coroner's Act 1997</i> to include what were ss 56(1)(d) and 56(2)(c) of the 1956 Coroners Act.		No action taken.
6	The ACT Government commission a review of the coroner's jurisdiction in order to determine whether that jurisdiction ought to be limited or expanded and, if so, to what extent.	<p>Government undertaking a review of the <i>Coroners Act 1997</i>.</p> <p>Mr Stefaniak opposed making amendments that would see coronial inquests take a no-fault approach with coroners making nothing more than recommendations. Coroners by virtue of their judicial expertise and therefore the system should be improved 'if need be, to lay blame.'³¹</p> <p>Tony Fearnside, Member of the ACT Bushfire Council supported amendments to</p>	

³¹ Parliamentary Debate, Legislative Assembly for the ACT, *Hansard*, 8 March 2007, 413, (Mr Stefaniak).

³² ACT Bushfire Council, *Meeting Minutes*, 22 March 2007. < http://testwebsite.esa.act.gov.au/ESAWebsite/content_rfs/act_bushfire_council/220307.pdf > 13 February 2008.

³³ ACT Bushfire Council, *Meeting Minutes*, 23 August 2007. < http://www.esa.act.gov.au/ESAWebsite/content_rfs/act_bushfire_council/bfc_minutes_270907.pdf > 13 February 2008.

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		the Coronial process that would lessen adversarial elements and shorten the process. Bushfire Council agreed to send brief to Minister to this effect. ³² Letter sent to Minister about Coronial inquiries August 2007. ³³	
7	That the Emergency Services Agency be moved from the Department of Justice and Community Safety and transformed into an independent statutory authority reporting directly to the Minister. (Coroner Doogan noted in this regard that Mr McLeod made similar recommendations and she endorsed this unequivocally. ³⁴ Placing the agency within a government department puts unnecessary layers of bureaucracy between the agency and the responsible Minister, and the bureaucrats concerned usually have no special knowledge of or experience in emergency management, regardless of their seniority in the bureaucracy.	The <i>Emergencies Act 2004</i> prevents any unnecessary layers of bureaucracy by regulating decision making processes. Part 3.1 provides for the appointment of a Chief Officer for each sector of the emergency services making up the Emergency Services Governance Committee. This Committee meets with the Minister quarterly- <i>Emergency Services Act 2004, (ACT)</i> s. 9.	Not Agreed
8	That the Emergency Services Agency be	Government has provided \$17.235m capital	Action already taken in response to

³⁴ Ibid.

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	relocated into accommodation that is purpose-built and more suited to the agency's operations that the current facility at Curtin.	funding for new Emergency Services Agency headquarters to be built at the Fairbairn precinct at Canberra Airport. Building commenced April 2007 and the move is intended to be complete by October 2008. ³⁵	recommendation 19 of McLeod Report.
9	That the Emergency Services Agency adopts a more rigorous risk management approach to incident management and prediction- with particular emphasis on the development of improved community information strategies and protocols.		Implemented
10	That before each fire season the Emergency Services Agency, in conjunction with the Bush Fire Council- and after consultation with the relevant ACT agencies, the Bureau of Meteorology, relevant NSW agencies and the community- conduct a qualitative risk analysis of the conditions and circumstances prevailing and forecast and develop strategies to ensure heightened preparedness during seasons identified as severe.	Seasonal risk analysis is conducted each year to help in developing management plans for the bushfire season. ESA also interacts with the Bush Fire Council seeking advice in relation to management strategies. Also, the COAG National inquiry into the 2002-2003 bushfire seasons noted the important role played by the Bureau of Meteorology. ³⁶	Implemented

³⁵ ACT Emergency Services Agency, Draft Business Plan 2007/08-2009/10, A Supporting Plan to the Department of Justice and Community Safety, May 2007, 16.

³⁶ Council of Australian Government's 'National Inquiry on Bushfire Mitigation and Management' March 2004, 5.3.
<www.coagbushfireinquiry.gov.au/report/pdfs/report_lawge_size.pdf> 6 February 2008

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		Also, 2003, Bushfire Cooperative Research Centre established 2003 that conducts seasonal bushfire assessments for every state and territory. See for example 'Fire Note Issue 14, October 2007- Seasonal Bushfire Assessment 2007-2008.' ³⁷	
11	That regular periodic reviews be undertaken of changes made to the operational and management arrangements for dealing with wildfires and other emergencies in the ACT, to ensure that those arrangements continue to comply with the Australian Inter-Agency Incident Management System Incident Control System.	AIIMS system adopted by Emergency Services Agency (ESA) and continues to be 'recognised as the foundation of all operational and command practices' ³⁸ ESA updates by implementing the revised AIIMs system ³⁹	Implemented
12	That appointments of personnel to functional positions within the incident management team be based solely on competence and experience and be made by the Chief of the	The government agreed that only competent persons should be appointed to functional positions within the incident management team. However, it did not agree that the	Already Implemented in part.

³⁷Bushfire Cooperative Research Centre, *Fire Note*, Issue 14 October 2007 <www.bushfirecrc.com/publications/downloads/BCRC_Firenote_Seasonal_Outlook.pdf> 6 February 2008

³⁸ ACT State Emergency Services Business Plan, 2007-2010, <www.esa.act.gov.au/ESAWebsite/content_ses/about_us_page/2007_oct_actses_business_plan_endorsed.pdf> 6 February 2008.

³⁹ Legislative Assembly ACT, *Minutes of Proceedings*, No. 75, 20 September 2006.

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	ACT Rural Fire Service or, in the absence of that officer, the Deputy Chief of the ACT Rural Fire Service.	Chief of the ACT RFS should be responsible for making these appointments. The government felt that delegation of this responsibility to others within the Incident Management Team was appropriate.	
13	That senior officers of the Emergency Services Agency give greater recognition to the skills, knowledge and experience of people from other agencies- particularly land management agencies- as well as rural residents and private individuals and use these people in roles commensurate with their skills and experience.		
14	Training of all personnel involved with emergency services should be under constant review.		Implemented
15	Courses and programs conducted to increase the level of Incident Control System training and augment the expertise of people who are likely to perform functions in an incident management team.	Training in accordance with national competency standards already occurring. Further training in specialist functions is needed.	Implemented in part.
16	Emergency Services Agency review the level of understanding among fire fighting personnel of the latest information available nationally and internationally about wildfire behaviour and suppression and provide additional training if wanted.	Emergency Services already members of national and international bodies, for example International Association of Wildland Fire-Fighters, that provide information, seminars and training programs that include wildfire behaviour.	Implemented

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17	That the ACT Government allocate sufficient funds to enable full-time and volunteer fire-fighters to participate in relevant courses and programs.		Implemented in part.
18	That the Emergency Services Agency introduce a program with land management agencies in the ACT to ensure that maps of all public and private land in the ACT are subjected to regular review and amendment as required. Maps of a scale sufficient to facilitate fire management operations should be available in printed form and maintained on an electronic database capable of modification to add relevant features during a fire fighting operation.	Operational Atlas created for ensuring a consistent operations map for all agencies involved in any emergency situation. ⁴⁰ Note, the SES 2007-2010 Business plan has nominated as one of its goals to ensure that information is available all members of the service by improving information through the 'use of modern electronic material storage and display systems.' ⁴¹	Implemented in part.
19	That an appropriate geographic information systems capability be maintained to enable the production of fire-specific maps as the need arises and that personnel from the Emergency Services Agency and other	Geographic Information System (GIS) data system Implemented by Emergency Service through a cooperative pilot program with Geosciene and the other States. The GIS system enables the Emergency Services	Implemented.

⁴⁰ Legislative Assembly ACT, Minutes of Proceedings, No. 75, 20 September 2006.

⁴¹ ACT State Emergency Services Business Plan, 2007-2010,

16.<www.esa.act.gov.au/ESAWebsite/content_ses/about_us_page/2007_oct_actses_business_plan_endorsed.pdf 6 February 2008> 1 February 2008.

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	agencies be trained in the operation of map production systems, so that maps can be modified to include fire-specific information as required.	Agency to produce fire specific maps based data collected for emergency management. ⁴²	
20	That the Emergency Services Agency review the communications system used by the four services (the ACT Ambulance Service, the ACT Rural Fire Service, the ACT State Emergency Service and the ACT Fire Brigade), by the Australian Federal Police, by NSW emergency service and by aircraft and ensure the systems are compatible.	Communication systems between the ACT emergency services compatible-‘a ‘trunked digital radio network of all the services.’ ⁴³ This network is an extension of the New South Wales Government Radio network. ⁴⁴ Compatibility also exists between the emergency services and contracted fire fighting aircrafts. ACT Policing communications can monitor and transmit on the same network. This does not extend to police patrols. Clause 14 in the Memorandum of Understanding signed by NSW Rural Fire Service and the ACT Emergency Services Agency states that the parties ‘will work towards...a network for interoperability	Implemented in part.

⁴² Geoscience Australian, *Media Release*, ‘New ACT map to aid in future regional emergencies’ Tuesday 15 February 2005. <www.go.gov.au/media/releases/2005/15022005_actmap.jsp> 1 February 2008.

⁴³ Legislative Assembly ACT, *Minutes of Proceedings*, No. 75, 20 September 2006.

⁴⁴ Emergency Services Annual Report, 2004-2005. <http://www.esa.act.gov.au/ESAWebsite/content_esa/home_page/esa_annual_report_2004_05.pdf> 12 February 2008.

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		between the two agencies', and that 'they will work towards aligning radio procedures.' ⁴⁵	
21	That version 2 of the Strategic Bushfire Management Plan be completed and introduced without delay.	Note: Version 2 was available in draft form from 13 December 2006. ⁴⁶	Version 2 is not yet available. The government has explained that, as per the <i>Emergencies Act 2004</i> , the SBMP is reviewed at least every five years. This is currently underway with a draft expected by 2009.
22	<p>That because of the small jurisdiction of the ACT (equivalent to one fire district in NSW) the ACT Government consider all possible options for the provision of fire services to the ACT, among them</p> <ul style="list-style-type: none"> ▫ Subcontracting the provision of all fire services-or a part, such as bushfire services- to NSW fire-fighting services ▫ Including in the memorandum of understanding between the ACT and NSW mutual obligation arrangements. ▫ Gradually integrating the ACT Rural Fire 	<p>A Memorandum of Understanding has been signed with the NSW Rural Fire Service, NSW Fire Brigade and the NSW Emergency Services.</p> <p>Also, section 176 of the <i>Emergencies Act</i> allows the ACT government to enter into memoranda of understanding with other jurisdiction to share services in the case of an emergency.</p> <p>Government has not agreed to the establishing of a single ACT Fire Service- the <i>Emergencies Act</i> establishes two fire services-</p>	Agreed to and implemented in part

⁴⁵Memorandum of Understanding between Australian Capital Territory Emergency Services Bureau and New South Wales Rural Fire Service, 27 October 2003, <http://www.jcs.act.gov.au/eLibrary/RFSESB_MOU_27_OCT_03.pdf> 12 February 2008, cl 14.1, 14.2.

⁴⁶ ACT Legislative Assembly, Parliamentary Debates, *Hansard*, 4109, 13 December 2006.

⁴⁷ *Emergencies Act 2004* (ACT) s 44.

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	Service with the ACT Fire Brigade and establishing a single ACT fire service under a single management and command and control structure- along the lines of the Tasmanian Fire Service and Victoria's County Fire Authority.	a Fire Brigade and a Rural Fire Service. The Fire Brigade is responsible for responding to fires in built up areas- Section 44. ⁴⁷ The Rural Fire Service is responsible for responding for fire preparedness in areas outside the city zone and responding to fires in areas outside the city other than those in buildings- s 52.	
23	That priority be given to ensuring that the ACT has an adequate resource of remote area fire fighting teams consisting of personnel with high levels of fitness and training in remote fire suppression	The <i>Emergency Services Act 2004</i> changed and improved the structure of the ACT Rural Fire Service and therefore the operational capacity. The ACT Rural Fire Service made up of: <ul style="list-style-type: none"> ▫ 8 volunteer brigades; ▫ 2 brigades staffed by ACT Land Management Agencies which have 397 volunteers and 129 departmental fire fighters respectively ▫ Brigades dispersed in key geographic locations to ensure effective and efficient response.⁴⁸ 	Implemented

⁴⁸ Emergency Services 'Annual Report 2004-2005, p 11.

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		Also, 2007-2008 Budget, the ACT Government announced an additional \$394,000 over a four year period for specialised training for Remote Area Fire fighting Teams within the Rural Fire Service. ⁴⁹	
24	That all fire fighting agencies adopt a policy that all fires in remote areas of the ACT be responded to as quickly as possible, with vigorous and sustained efforts made to suppress the fires and not leave them unattended- especially at night- unless there are compelling reasons relating to fire fighting safety or lack of resources.	ACT Emergency Services Agency has set the following fire fighting targets: <ul style="list-style-type: none"> ▫ First fire fighting appliance will arrive at the scene within 8 minutes of being called 50% of the time. 90% of the time, first appliance will arrive within 10 minutes ▫ Rural Fire Service will confine bushfires to less then 5 hectares 90% of the time. Achieving these standards is based on equipment, training and readiness of fire fighters. ⁵⁰	Agreed in part.
25	That remote area fire fighting resources be deployed to a fire in a remote area as a matter of priority and in preference to the	Resources are deployed by the Emergency Services Agency based on the circumstances and the operations considered necessary to	Agreed in part

⁴⁹ ACT Government 'More Remote Area Fire Fighting Training for ACT RFS' *Media Release*, 5 June 2007. www.treasury.act.gov.au/budget/budget_2007/files/press/53_press.rtf > 13 February 2008.

⁵⁰ ACT Emergency Services Agency *Aims and Objectives* < http://www.esa.act.gov.au/ESAWebsite/content_esa/about_us/what_we_do/aims_and_objectives.html > 7 February 2008.

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	deployment of large tankers.	handle the situation. This may mean that a larger tanker should be employed to a remote area rather than a remote area fire fighting group.	
26	That helicopters be used wherever possible to facilitate the rapid deployment of remote area fire fighting crews	<p>Appropriate helicopters are engaged during the bushfire season. Deployment of this resource will be based on the operational and situational conditions presented when the time arises.</p> <p>2005- Helicopter on standby in the ACT for the critical 6 week period.⁵¹ Also, 3 helipads constructed in the Uriarra region to increase ability to respond to fires in remote areas.⁵²</p> <p>For the 2006,-07 fire season Emergency Services Agency has joined the National Aerial Firefighting Centre which includes the support of one light helicopter during the bushfire season and also enables extra to be obtained in the case of an emergency.⁵³</p> <p>2007-2008. The firefighting helicopters known as The Incredible Hulk, Bell 212 and</p>	Implemented

⁵¹ ABC News 'New Firefighting Helicopter Unveiled' Monday 17 January 2005. <<http://www.abc.net.au/news/stories/2005/01/17/1283114.htm>> 7 February 2008.

⁵² Legislative Assembly for the ACT, *Hansard*, 22 September 2005, 3581.

⁵³ Legislative Assembly for the ACT, *Minutes of Proceedings*, 20 September 2006.< <http://www.legassembly.act.gov.au/downloads/minutes-of-proceedings/06MoP075.pdf> > 7 February 2008.

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		Squirrel have been based in the ACT for the bushfire season. ⁵⁴	
27	That the Emergency Services Agency investigate and implement arrangements that will provide the capacity to use fire retardant in remote areas.	Regular fire brigades as well as volunteer and community fire units have been participating in training sessions involving the use of fire retardant foam. ⁵⁵ Research and investigation into fire retardant plants that can be grown on the bush-urban interface. ⁵⁶	Agreed to and implemented in part
28	That the Emergency Services agency give priority to ensuring it has guaranteed access to an adequate number and type of bulldozers at wildfires and that staff are available to be assigned to supervise bulldozer operations.	Access to and agreement with local contractors for the use of bulldozers for fire suppression activities.	Implemented
29	That land managers ensure their staff are properly trained in the effective use of large bulldozers at wildfires and that staff are available to be assigned to supervise bulldozer operations		Implemented
30	A review of the adequacy of training and the	Every year a review of the training adequacy	Agreed

⁵⁴ 'Minister inspects bushfire attack helicopters' *Media Release*, 13 December 2007.

<http://www.chiefminister.act.gov.au/media.asp?media=3276§ion=52&title=Media%20Release&id=52> 7 February 2008.

⁵⁵ Legislative Assembly ACT *Hansard*, 29 March 2006, 817, 181.

⁵⁶ Legislative Assembly ACT *Hansard*, 29 March 2006, 817, 181. See also, Legislative Assembly ACT, *Parliamentary Debates*, 17 February 2005.

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	<p>numbers of fire fighters experienced in performing effective, safe large-scale back-burning operations.</p>	<p>of fire fighting personnel is conducted. This includes back-burning operations. The Joint Emergency Services Training Agency (JESTA), established after the 2003 bushfires, is responsible for developing, providing, and maintaining adequate training and assessment initiatives for the Emergency Services staff.⁵⁷ Adequacy of training and the number of fire fighters capable of conducting safe and large-scale back burning, is reviewed by the Emergency Services Agency and land managers.</p>	
31	<p>That the Emergency Services Agency reconsider and revise the arrangement that exists between the ACT Fire Brigade and Canberra Airport in relation to the provisions of assistance.</p>	<p>Arrangements between Emergency Services and Canberra airport in place regarding assistance in the case of a fire emergency. Also, assistance by Aviation Rescue and Fire fighting Division of Airservices Australia will be provided within the aerodrome and structural facilities of the Canberra Airport. This assistance will be given in accordance with the 'Aviation Rescue and Fire Fighting</p>	<p>Agreed in principle</p>

⁵⁷ Emergency Services Authority, *Annual Report 2004-2005*, pp 8-9.

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		Services' guidelines provided by Airservices Australia. ⁵⁸	
32	A hazard reduction program be introduced, involving regular and strategic burning in all areas of the ACT- including the catchment areas- with a view to having fuel-reduced areas in a pattern across the landscape, excluding only small areas of particular ecological or conservation importance.	The Strategic Bushfire Management Plan implemented in 2003 included a hazard reduction program. Fuel reduction and strategic burning of government managed land has taken place in accordance with this plan. ⁵⁹ Review of these plans and the Bushfire Operational Plans describe a mosaic pattern of strategic burning. Not all areas need to be subjected to reduction burning due to ecosystem maintenance.	Implemented in part.
33	Clarification be provided and information made public in connection with the hazard reduction proposed under the Strategic	Strategic Bushfire Management Plan defines the standards of treatment required in fuel management zones. The information is	Implemented.

⁵⁸ Airservices Australia 'Aviation Rescue and Fire fighting Services' < http://www.airservicesaustralia.com/reports/arff/Airservices_options_paper.pdf > 7 February 2008.

⁵⁹ See for example Strategic Bushfire Management Plan for the ACT- v. 1, 'Role of Groups and Agencies- Land Managers/Land Users' www.esa.act.gov.au/Fire_Safety/SBMP/Version-1/land_managers_and_users.html See also Legislative Assembly for the ACT, *Hansard*, 3582, 22 September 2005, Stanhope identifies the government land that has undergone strategic burning to reduce combustible fuel- 'Since the last fire season, land management agencies have conducted over 600 hectares of prescribed burns...' < <http://www.hansard.act.gov.au/hansard/2005/week11/3582.htm> > 13 February 2008.

⁶⁰ See for example Strategic Bushfire Management Plan for the ACT- v. 1, 'Role of Groups and Agencies- Land Managers/Land Users' See also < http://www.esa.act.gov.au/ESAWebsite/content_esa/community_education/bushfires_in_the_bush_capital/pages_4_5.pdf > 7 February 2008.

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	Bushfire Management Plan for the area designated 'Land Management Zone', which appears to cover about 70% of the ACT landscape and might be excluded from fuel-reduction burning.	available to the public. ⁶⁰ Territory and Municipal Services have a Sub Regional Fire Management Plan that describes the mosaic patten of burning necessary for fire prevention. This information is also available to the public. ⁶¹	
34	If it is not part of the proposed version 2 of the Strategic Bushfire Management Plan, that the plan be revised to provide for fuel-reduction burning regime in the 'Land Management Zone' that is equivalent to that contemplated for the corridors designated as the 'Landscape Division Zone' and that the regime involve burning areas in rotation to achieve an appropriately varying fire age spectrum across the entire landscape	Government does not agree that the regime should be standard equivalent to land in designated 'Landscape Division Zone.' Some areas within the Land Management Zone do not have, as its primary objective, bushfire fuel management. Therefore, it is not necessary that the all land within this zone have the same fuel-reduction burning regime. Sub-regional Fire Management Plans prepared by Territory and Municipal Services and these plans outline fuel management objectives tailored for each area.	Agreed in part
35	That responsibility for fuel management lie	Section 77 of the <i>Emergencies Act 2004</i> (ACT)	Implemented.

⁶¹ACT Department of Territory and Municipal Services 'Fuel Management' < http://www.tams.act.gov.au/live/environment/fire_management/fuel_management > 7 February 2008.

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	with the land management agency that controls the area and that land managers be given authority to implement prescribed fuel-reduction burns within their area	nominates the manager of land as responsible for ensuring that land is managed in accordance with the strategic bushfire management plan.	
36	Prescribed burning operations conducted according to agreed standard burning prescriptions.	Guidelines and templates on burning developed as part of review of Strategic Bushfire Management Plan.	Agreed in principle
37	That the Emergency Services Agency have authority over the land management agencies and other landholders in order to implement preparedness and prevention measures- including fuel-reduction works where there are failures in compliance	Under the <i>Emergencies Act 2004 (ACT)</i> , the Emergency Services Agency is to monitor preparation of land for the bushfire season. Section 82, the Commissioner of the ESA to direct owners of land to comply with fire prevention strategies. ⁶²	Implemented
38	That a program be implemented to ensure that existing fire tracks and trails are cleared and accessible at all times and that a network of additional fire trails be established so as to allow direct fire suppression operations without undue delay in the event of a wildfire.	See 'Comment' to Recommendations 11 and 12 McLeod Report.	Implemented
39	That it be a matter of policy and practice that the relevant land management agency is responsible for the initial response to any fire	Under section 120 <i>Emergencies Act 2004</i> land managers must take all reasonable steps to protect property and prevent or prohibit the	Agreed.

⁶² See generally Part 5.3 *Emergencies Act 2004 (ACT)*.

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	or fires on the land under its care or management- within the overall operational response of the ACT Rural Fire Service.	spread of fire on the land or from the land. Subsection (2) outlines the characteristics and issues that land managers must consider when deciding on reasonable action.	
40	That the policy and practice recommended in 39 be the subject of a memorandum of understanding between the Emergency Services Agency and the Department of Territory and Municipal Services (previously the Department of Urban Services) or other relevant department or agency on whose land a fire starts has responsibility to respond immediately to that fire in accordance with the applicable standards for weight of response. Further, the land management agency should be responsible for efforts to suppress fire until such time as it becomes clear that the suppression task is beyond the capacity of the agency, at which point the ACT Rural Fire Service should assume direct responsibility for coordinating the ongoing response.	A memorandum of understanding exists between the ESA and land managers in the Department of Territory and Municipal Services that reflects the policy set out in section 120 of the <i>Emergencies Act</i> . However, land managers are not responsible for initial efforts to suppress fires on their land. This responsibility vests with the Rural Fire Service.	Agreed in part.
41	Public land management agencies ensure that their senior personnel have appropriate experience in fire management and are provided with adequate resources and suitably experienced and trained staff to	Department of Territory and Municipal Services provides resources and training for staff in fire management.	Agreed and implemented.

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	effectively implement fire management programs.		
42	Senior officers in the Australian Federal Police and the Emergency Services Agency maintain regular and meaningful contact during fire emergencies, to ensure full dissemination of information and thus facilitate the making of good operational decisions.		
43	That the Australian Federal Police and the Emergency Services Agency agree on a policy on community safety and evacuation during bushfires, based on the Australasian Fire Authorities Council Position outlined in its paper <i>Community Safety and Evacuation during Bushfires</i> . Community education programs should incorporate advice on this, including the 'stay or go' policy	Comprehensive evacuation strategy based on all-hazards evacuation guidelines. ⁶³ This strategy forms part of the ACT emergency management plan. ⁶⁴ The policy is reflected in publications such as: <ul style="list-style-type: none"> ▫ 'Emergencies and the National Capital- A resident's guide.' ▫ 'Bushfires and the Bush Capital- A Guide for the ACT.' 	Implemented
44	The Australian Federal Police and the Emergency Services Agency ensure that personnel in their respective organisations are fully briefed on the agreed policy on		

⁶³ Emergency Services Authority, Annual Report 2004-2005, pp 8-9.

⁶⁴ Legislative Assembly for the ACT, Parliamentary Debate, *Hansard*, 22 September 2005, 3581 (Stanhope).

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Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	evacuations.		
45	That the Emergency Services Agency, with the support of the ACT Government, develop a single, new memorandum of understanding with the NSW Department of Environment and Conservation and the NSW Rural Fire Service, providing for liaison and joint operations as soon as it becomes apparent to whichever jurisdiction is managing a fire that the fire will probably affect the other jurisdiction. Joint operations should not be limited to when an incident occurs on both sides of the border, as is the current arrangement.	Government did not think it necessary to combine the memoranda. Joint operations are not limited when an incident occurs.	Not agreed. Memorandum of understanding signed with NSW Rural Fire Service, NSW Fire Brigade and the NSW State Emergency Service guaranteeing cross-border co-operation. ⁶⁵
46	That the Emergency Services Agency, with the support of the ACT Government, seek to establish with the NSW Department of Environment and Conservation and the NSW Rural Fire Service a protocol that will provide for the establishment of a joint incident management team as part of unified control arrangements based on adoption of the	The Memorandum of Understanding with the NSW Fire Brigades, NSW RFS and the NSW Department of Environment and Conservation cover the issues in this recommendation. ⁶⁶	Implemented

⁶⁵ Legislative Assembly ACT, *Minutes of Proceedings*, No. 75, 20 September 2006.

⁶⁶Memorandum of Understanding between Australian Capital Territory Emergency Services Bureau and New South Wales Rural Fire Service

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	<p>following principles</p> <ul style="list-style-type: none"> ▫ The authority whose jurisdiction is most affected, or likely to be most affected, by a fire will appoint suitable qualified and experienced personnel to the main functional roles in the incident management team- incident controller, planning officer, operations officer and logistics officer- in accordance with its own operational arrangements but in consideration with the authority of the other affected jurisdiction. ▫ The authority of the other affected jurisdiction will appoint suitable qualified and experienced personnel to fill the positions of deputy incident controller and deputy to each of the other main functional roles in the incident management team, as the size and complexity of the incident demands and in accordance with its own operational arrangements. This should, however, be done in consultation with the authority whose jurisdiction is most affected. ▫ The arrangements contemplated by these provisions will be varied only with the consent of the chief officer (or, in their 		

STANDING COMMITTEE ON LEGAL AFFAIRS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	<p>absence, their deputy) of each affected authority, who will also be responsible for resolving any disagreement about which jurisdiction is most affected and about the appointment of personnel to incident management team functional roles as required by these provisions.</p> <ul style="list-style-type: none"> ▫ The arrangements should be made using a risk-based approach. ▫ Facilities should be shared. ▫ There should be a single, integrated planning process and a single incident action plan ▫ Planning, logistics and operations functions should be shared. ▫ There should be a coordinated process for resource acquisition and demobilisation. ▫ Common media and community information systems and distribution strategies should be used. 		
47	That the ACT and NSW authorities conduct a comprehensive risk analysis based on the most up to date knowledge relating to fire behaviour and spread in order to establish the	The Memorandum of Understanding between ACT Emergency Services Agency and the NSW Rural Fire Service. For example- Clause 5.3- both agencies to	Implemented

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	degree of risk to each others' jurisdiction from fires igniting in the other jurisdiction and to ensure that both jurisdictions remain fully informed and participate in risk assessments, the development of suppression strategies, and the development and dissemination of community information messages or warnings.	assist each other in the development of procedures for the activation and deployment of task forces. ⁶⁷ Also note clause 9.1 where parties agree to jointly develop procedures for notification, assistance and information sharing.	
48	Measures be taken to ensure that ACT and NSW Rural Fire Service radio communications systems are integrated, so that ACT and NSW fire fighting units can communicate with each other.	Trunk Radio Network, an extension of the NSW Government Radio Network, has been in place since 2004/05. ⁶⁸	Implemented
49	That protocols and arrangements between the ACT and NSW require that each jurisdiction be fully involved in examining and planning for the threat posed by any fire likely to affect one or other jurisdiction and in coordinating the response to that fire.	For example, under clause 15 of the Memorandum of Understanding between ACT Emergency Services Agency and the NSW Rural Fire Service, ACT and NSW services agree to collaborate on developing strategies for hazard assessment. Also, see generally clause 9- Fire Investigation. Parties agree to share data, research materials,	Implemented

⁶⁷ Memorandum of Understanding between Australian Capital Territory Emergency Services Bureau and New South Wales Rural Fire Service, above n 264.

⁶⁸ Emergency Services Agency, Annual Report, 2004-05, above n 263, 11.

STANDING COMMITTEE ON LEGAL AFFAIRS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
		supply and support fire investigation and develop procedures. ⁶⁹	
50	That formal protocols be developed and agreed with NSW authorities, so that a concerted effort that combines the resources of both NSW and the ACT can be brought to bear in the future- without impediment caused by lines on a map that make the ACT an island within the state of NSW.	The Memorandum of Understanding between the ESA and NSW authorities includes arrangements for cross border sharing of services. See generally clause 5, 'Incident Response' and clause 7, 'Incident Management'. ⁷⁰	Implemented
51	That the Emergency Services Agency take measures to ensure that the community regularly receives up-to-date information on the risk of bushfires	Since 2003 the ESA has developed a community program to educate the population, rural and urban, on bushfire safety. Range of community education packages through Fire Wise. Information brochures and booklets have been distributed to the community and examples include. ▫ 'Bush FireWise- Street Corner Meetings' education and awareness program,	Implemented

⁶⁹Memorandum of Understanding between Australian Capital Territory Emergency Services Bureau and New South Wales Rural Fire Service, above n 264.

⁷⁰ Memorandum of Understanding between Australian Capital Territory Emergency Services Bureau and New South Wales Rural Fire Service

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
		<p>completed in December 2004 for the 2004-2005 bushfire season.⁷¹</p> <ul style="list-style-type: none"> ⇒ Bushfires and the Bush Capital- A guide for the ACT, distributed as a supplement in the Canberra Times, Sunday 10 October 2004.⁷² = 'Emergencies and the National Capital- A residents Guide', delivered to homes throughout the ACT in late 2005.⁷³ ⇒ Farm Fire Wise program- Booklet and community information sessions and road show.⁷⁴ 	
52	That the Emergency Services Agency establish annual targets for the introduction of community education programs and provide resources to conduct regular	The ESA, through the Bushfire Cooperative Research Centre, receives information and strategies for raising bushfire awareness in the community. This information is used by	Agreed.

⁷¹ ACT Emergency Services Agency, 'Bush Fire Wise' *Bush Firewise-Street Corner Meetings*, <www.esa.act.gov.au/ESAWebsite/content_esa/community_education/bush_firewise.html> 8 February 2008.

⁷² ACT Emergency Services Agency *Bushfires and the Bush Capital: A Guide for the ACT* <http://www.esa.act.gov.au/ESAWebsite/content_esa/community_education/bushfires_in_the_bush_capital/bushfires_in_the_capital.html> 8 February 2008.

⁷³ ACT Emergency Services Agency, 'Residents Guide', *Emergencies and the National Capital- A residents guide*, <www.esa.act.gov.au/ESAWebsite/content_esa/residents_guide/residents_guide.html> 8 February 2008

⁷⁴ See ACT Bushfire Council, *Meeting Minutes*, 26 April 2007 and 23 August 2007. <http://www.esa.act.gov.au/ESAWebsite/content_rfs/act_bushfire_council/act_bushfire_council.html> 8 February 2008.

STANDING COMMITTEE ON LEGAL AFFAIRS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	independent assessments of the level of community preparedness engendered as a result of the programs.	the ESA to develop and refine education programs. ⁷⁵	
53	That implementation of the Bushfire Wise Program continue and include a letterbox drop of the updated <i>Bushfire Information Booklet</i> .	The 'Bushfires and the Bush Capital- A Guide for the ACT', which was distributed through the <i>Canberra Times</i> in October 2004, updated the Bushfire Information Booklet.	Agreed to in principle
54	That consultations and negotiations occur between the Emergency Services Agency and the NSW Rural Fire Service to ensure that fire risk and safety messages to the community are coordinated. Maximum use should be made of television and radio announcements throughout the ACT and Southern NSW, consistent with NSW timetables for targeted programs in conjunction with the United Fire-fighters Union ACT Branch and volunteer fire brigade representatives. The Emergency Services Agency should consider using ACT Fire Brigade staff and ACT Rural Fire Service volunteers to talk to groups in the community	The ESA already consults with NSW about community education programs. Also, under clause 10 of the Memorandum of Understanding between the ESA and the NSW Rural Fire Service, 'the parties agree to cooperate on the planning and implementation of community awareness and preparation programs.' ⁷⁶	Implemented

⁷⁵ See for example Bushfire Cooperative Research Centre *Fire Note* 'Bushfire Community Education Programs: How Well do they work and how best to allocate community safety resources' Issue 15, December 2007. <http://www.bushfirecrc.com/publications/downloads/BCRC_Firenote_15_CommunityEduc.pdf> 8 February 2008.

⁷⁶ Memorandum of Understanding between Australian Capital Territory Emergency Services Bureau and New South Wales Rural Fire Service, cl 10.1.

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	on request, thus furthering face-to-face community education in high-risk suburban areas of the ACT.		
55	That the Emergency Services Agency publicise and demonstrate the use of the Standard Emergency Warning Signal and provide the community with adequate explanation of the application of the signal. This should occur at least annually, in conjunction with any pre-summer fire awareness initiatives.	The Government has already adopted the use of the Standard Emergency Warning Signal in the ACT An awareness campaign was conducted in 2004. Information is included in the publication 'Emergencies and the National Capital- A residents guide.' Information on the system is available on the ESA website ⁷⁷ a	Implemented.
56	That the Emergency Services Agency staff the Media Unit within its Planning Section with professional, experienced information officers skilled in dissemination of information and media management and liaison.		Implemented
57	That the Emergency Services Agency develop a clear policy for disseminating information to the public and the media in times of emergency and that, as required, that policy incorporate advance door-knocking of homes in the area affected, as well as regular broadcasts by local radio and television	Public documents such as 'Bushfires and the Bush Capital- A Guide for the ACT' and 'Emergencies and the National Capital- A residents Guide' include information about the receipt of information in times of emergency. Processes include broadcasts, updates on websites such as	Implemented

⁷⁷ACT Emergency Services Agency, 'The Standard Emergency Warning Signal'

http://www.esa.act.gov.au/ESAWebsite/content_esa/community_education/emergency_warnings/emergency_warnings.html> 8 February 2008.

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	stations and regular updates on the relevant website- be that Canberra Connect of a different ACT government website-as well as the Emergency Services Agency's website.	CanberraConnect and the ESA website, and may include other processes such as door knocking.	
58	That the Emergency Services Agency conduct investigations- and liaise with emergency services agencies in other jurisdictions- in order to ascertain what technologies exist and are effective for use in disseminating warnings and associated information to the community of the ACT	ESA participates in national forums and interagency agreements obtaining information on technology advances and methods for disseminating information and warnings to the community. <ul style="list-style-type: none"> ▫ Memorandum of Understanding with NSW services.⁷⁸ ▫ Bushfire Cooperative Research Centre.⁷⁹ 	Implemented
59	That a system of public warnings that uses grid references shown on the maps in the Canberra telephone directory be adopted.	<i>Yellow Pages</i> map, which is a alphanumeric grid map covering the ACT and surrounds, provides a simple means of communicating the location of an incident in relation to the warning system. ⁸⁰	Action already taken
60	Canberra Urban Development Working Group referred to in Mr Peter Dunn's letter consider the report prepared by Mr Leonard	Bushfire risk is considered by planning hierarchy in the development of all new residential areas.	Implemented in part

⁷⁸ See for example Memorandum of Understanding between Emergency Services Agency ACT and New South Wales Rural Bushfire Service above n 264, cl 10, 11.

⁷⁹ See for example Bushfire Cooperative Research Centre *Fire Note* 'Bushfire Community Education Programs: How Well do they work and how best to allocate community safety resources' Issue 15, December 2007. <http://www.bushfirecrc.com/publications/downloads/BCRC_Firenote_15_CommunityEduc.pdf> 8 February 2008.

⁸⁰ Legislative Assembly ACT, Parliamentary Debates, *Hansard*, 3581

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	<p>and note particularly that the community awareness information currently available to householders in connection with measures they can take to better protect their homes from bushfires does not refer to the potential of wooden fences, conifers and outbuilding to contribute greatly to fire spread, particularly in suburban areas. Also noteworthy is Mr Leonard's evidence that the linear sitting of homes on house blocks in Canberra seems to be an important factor contributing to house-to-house spread and that this should be avoided in future developments on the urban fringe.</p>	<p>Planning and Land Authority has adopted 'Planning for Bushfire Risk Mitigation as a planning Guideline under the Territory Plan Emergency Services Agency will review the report prepared by Mr Leonard. Review in consultation with ACT Land Managers and Planning and Land Authority.</p>	
61	<p>That the ACT Government consider taking measures to implement the provisions of Australian Standard 3959, Construction of Buildings in Bushfire Prone Areas, for the ACT urban area.</p>		Implemented.
62	<p>That Community education programs provide information about fire behaviour,</p>	<p>Since 2003 ACT Planning and Land Authority has developed brochures, forms</p>	Implemented

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	urban design principles that contribute to a specific level of risk, and the benefits of fitting basic ember protection materials in areas at risk from bushfire.	and information about urban design and bushfire safety. ⁸¹ Includes suggestions for materials for floors, walls, windows, external doors and roof to maximise protection against bushfire. ACT Planning has also produced a brochure on garden design that suggests plants that would be best in a bushfire prone area. ⁸²	
63	That consideration be given when building to the positioning of outbuildings around residential structures such that their potential impact on the main structure is reduced	See brochures identified in recommendation 62. ⁸³	Implemented through the ACT Planning and Land Authority.
64	That the community be made aware of the risk presented by heavy loads of garden fuels and certain types of vegetation around their houses and take active, regular measures to reduce that risk.	See recommendation 62. ⁸⁴ Information on bushfire wise gardens also included in the brochure 'Bushfires and the Bush Capital- A Guide for the ACT' which advises on reducing combustible fuels around the house.	Implemented.

⁸¹ACT Planning and Land Authority 'FIREWise Home Design and Construction' < http://www.actpla.act.gov.au/_data/assets/pdf_file/0010/2044/housedesign.pdf> 8 February 2008.

⁸²ACT Planning and Land Authority, 'FIREWise Home Gardens' < http://www.actpla.act.gov.au/_data/assets/pdf_file/0011/2045/gardens.pdf > 8 February 2008.

⁸³ ACT Planning and Land Authority 'FIREWise Home Design and Construction' < http://www.actpla.act.gov.au/_data/assets/pdf_file/0010/2044/housedesign.pdf> 8 February 2008; ACT Planning and Land Authority, 'FIREWise Home Gardens' < http://www.actpla.act.gov.au/_data/assets/pdf_file/0011/2045/gardens.pdf > 8 February 2008.

⁸⁴ ACT Planning and Land Authority, 'FIREWise Home Gardens' < http://www.actpla.act.gov.au/_data/assets/pdf_file/0011/2045/gardens.pdf > 8 February 2008

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
65	That the ACT Government and ActewAGL jointly develop and implement protocols that will create a procedure whereby each of the water and sewerage, electricity and gas distribution networks, or parts thereof, can safely and promptly be manipulated, controlled, shut off, isolated or disconnected under emergency conditions.		Implemented in part.
66	That community education programs include unambiguous information that at times of unusually high water demand there might be a drop in or loss of water pressure and it might be appropriate for residents who intend to remain and fight a fire to have auxiliary water pumps or booster pumps.	The brochures and booklets distributed to the public, such as 'Bushfires and the Bush Capital- A Guide for the ACT' include information on this.	Implemented.
67	The ACT cooperate with the Commonwealth in the implementation of the committee's recommendations and, in particular, give careful consideration to adoption of the following recommendations: <ul style="list-style-type: none"> ▣ Rec 7- construction and maintenance of and signage for fire trial networks ▣ Rec 12- development of prescribed burning guides for national parks and state forests ▣ Rec 22- participation in a review of occupational health and safety legislation 	The ACT Government has given consideration to the recommendations in the report 'A Charred Nation: Inquiry into the Recent Australian Bushfires' So far, the ACT Government has: <ul style="list-style-type: none"> ▣ Improved fire trial network through maps and signage ▣ Evacuation policy adopted and the public informed ▣ Bush Fire Clean up day held ▣ Through Memorandum of Understanding with the NSW Emergency 	Implemented in part

STANDING COMMITTEE ON LEGAL AFFAIRS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
	<p>as it affects the proper and effective functioning of bushfire services</p> <ul style="list-style-type: none"> ▫ Rec 29- a commitment to rapid initial attack on wildfires ▫ Rec 35- compatibility of communications equipment ▫ Rec 44- exemption of volunteer fire-fighters from paying fire-fighting levies ▫ Rec 48- regular risk assessments of controlled land to ensure that bushfire-prone areas are accurately identified and suitably managed ▫ Rec 51- creation of a bushfire awareness and preparedness day, similar to Clean Up Australia Day ▫ 52- adoption of the Australasian Fire Authorities Council's suggested evacuation protocol. 	<p>Services, compatible communication systems have been established between the NSW and the ACT Emergency Services.</p> <ul style="list-style-type: none"> ▫ Resources are deployed based on the operational and situational conditions at the time. ▫ Issues regarding the safety of Volunteers have been considered and volunteers are specifically provided for in the Emergencies Act 2004 (ACT). 	
68	That the views and concerns expressed by the ACT Sustainable Rural Lands Group be taken into account when implementing the recommendations in this report.	Views and concerns of the ACT Sustainable Rural Lands Group expressed in Coroner's report would be considered when implementing recommendations.	Agreed.
69	Mr John Lowe be made a member of the implementation taskforce recommended in 70.		Not agreed
70	Creation of a taskforce to give effect to the Coroner's recommendations	The Bushfire Council, which advises the Minister about matters relating to bushfires,	Not agreed

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Rec no	Text of Recommendation	Government Response/Action taken Comments	Comments
		will review and monitor the implementation of the recommendations. Establishment of a Taskforce is unnecessary.	
71	Taskforce to review the extent to which the McLeod Report's recommendations have been implemented and to ensure those not implemented be implemented.		Not agreed
72	The Taskforce review the recommendations of the seven reviews of the Emergency Services Bureau carried out before the McLeod Report and ensure implementation of any of those recommendations that are relevant and not yet implemented.		Not agreed
73	That the following persons are appointed to the taskforce; Mr Phil Cheney, Mr Tony Bartlett, Mr Val Jeffery and Mr John Lowe.		Not agreed

STANDING COMMITTEE ON LEGAL AFFAIRS

APPENDIX D: ESA governance arrangements

- D.1 Letter to Minister for Police and Emergency Services on ESA governance arrangements, 23 July 2008
- D.2 Response from Minister for Police and Emergency Services, 31 July 2008

D. 1 Letter to Minister for Police and Emergency Services on ESA governance arrangements, 23 July 2008



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
Standing Committee on Legal Affairs
Bill Stefaniak MLA (Chair), Karin MacDonald MLA (Deputy Chair), Deb Foskey MLA

Mr Simon Corbell MLA
Minister for Police and Emergency Services
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601

Dear Minister

Inquiry into ACT fire and emergency services arrangements

The Standing Committee on Legal Affairs requires further information in relation to the governance arrangements relating to the Emergency Services Authority.

The Standing Committee on Legal Affairs has been considering your comments made at the hearing on 20 June and has the following further questions.

- 1) The Emergency Services Authority existed from 1 July 2004 until 30 June 2006. Could you explain to the committee the governance arrangements which applied to the Authority.
- 2) In relation to expenditure:
 - a) At what point did the Authority have to consult Cabinet to authorise expenditure, if at all? Was there a threshold limit in dollar terms or was the Authority completely free to make its own decisions about committing funds?
 - b) Did the ESA have to report to Cabinet on planned expenditure or seek Cabinet approval?
 - c) If Cabinet approval was not required, did Cabinet have any role in overseeing the progress of planned major expenditures?
 - d) Were there any oversighting mechanisms in place for planned major expenditures?
 - e) What internal checks were in place for authorising expenditure by the ESA?
 - f) What external checks, if any, were in place for oversighting expenditure by the ESA?

I would appreciate receiving responses to these questions by cob, Tuesday 29 July.

I look forward to hearing from you.

Yours sincerely

Bill Stefaniak MLA
Chair
23 July 2008

D. 2 Response from Minister for Police and Emergency Services, 31 July 2008



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES

MEMBER FOR MOLONGLO

Mr Bill Stefaniak MLA
Chair
Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601



Dear Mr Stefaniak

Thank you for your letter of 23 July 2008 regarding the Inquiry into Fire and Emergency Services Arrangements in the ACT.

Please find information below in response to your particular questions.

- 1. The Emergency Services Authority existed from 1 July 2004 until 30 June 2006. Could you explain to the committee the governance arrangements which applied to the Authority.**

The governance arrangements for the Authority included the following:

Commissioner's Advisory Group (CAG) and Commissioner's Operational Group (COG) – the CAG and COG met on alternative fortnightly basis to discuss business and administrative matters and operational matters respectively.

Internal Audit Committee – The internal audit committee was established during 2004-05 and met 7 times. An external Chairperson chaired the committee and its role included the oversight of the governance, risk and internal control environment and the review of annual financial statements. The Emergency Services Authority engaged Acumen Alliance to undertake a number of internal audits.

Finance Committee – The Finance Committee was established in November 2004 and met three times during 2004-05 and then generally on a monthly basis in 2005-06. The Finance Committee was chaired by the Director Corporate / Chief Finance Officer and provided advice in regard to financial management, strategy and policy and reviewed ESA monthly operating and capital performance against budget.

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Capability Board – The Assistant Commissioner chaired the Capability Board and included representation from the four operational services and support areas. The Capability Board reported to CAG and its role included establishing a capability management system within ESA, development of project management systems and performed the role of steering committee for projects.

Chief Executive Financial Instructions (CEFI) – The CEFIs were established within the first six months of the Authority's inception and provided an overall framework for financial operations within the Authority.

Financial and Human Resource Delegations – Delegations were managed through formal documentation delegated by the Commissioner.

Financial Management reporting – financial reporting to Department of Treasury was provided by the Authority on a monthly, quarterly and/or annual basis as required. The 2004-05 and 2005-06 Financial Reports were audited by the ACT Auditor-General's Office

2. In relation to expenditure:

a. At what point did the Authority have to consult Cabinet to authorise expenditure, if at all?

The Authority, like any other department, would make budget proposals and be considered by Cabinet as part of the Budget process. Subject to Budget Cabinet's agreement and passage of Appropriation Bill, the Authority would be in a position to undertake expenditure within the limits of its appropriation, consistent with the provisions of the Financial Management Act (FMA).

b. Was there a threshold limit in dollar terms or was the Authority completely free to make its own decisions about committing funds?

The Authority was established as a department under the *Financial Management Act 1996* (FMA). Being a separate appropriation entity, the Authority was subject to the spending limits of its appropriation. The FMA required the Chief Executive to ensure that money spent by the Authority was in accordance with its appropriations.

Rather than specifying threshold limits for a department's expenditure, the FMA instead specifies a range of responsibilities, obligations and controls applying to chief executives. Importantly, the FMA specifies that a Chief Executive is accountable to the responsible Minister of the department for the efficient and effective financial management of the department.

In order to ensure that the responsibilities specified under the FMA were met, the Chief Executive of the Authority issued Chief Executive Financial Instructions. These Instructions included financial delegations which specified who could commit expenditure within the Authority.

In accordance with the FMA, the Authority's accountability to the Legislative Assembly for its expenditure was through end of year financial reporting and the Parliamentary Accounts Committee hearings.

The Authority was required to procure goods and services in accordance with the Government Procurement Act and relevant Purchasing Policy, Principles and Guidelines. Procurement of purchases over \$50k was endorsed by the relevant Approved Procurement Unit (APU). For amounts over \$1 million dollars it also required to seek Government Procurement Board endorsement.

c. Did the ESA have to report to Cabinet on planned expenditure or seek Cabinet approval?

Once funding had been appropriated, either as adjusted base funding or as a funded budget initiative there was no requirement to go back to Cabinet on planned expenditure.

The Authority did however go back to Cabinet on two major capital initiatives being the Communications Upgrade Project and the ESA Headquarters funding. The Authority sought approval for these changes and associated budget adjustments.

d. If Cabinet approval was not required, did Cabinet have any role in overseeing the progress of planned major expenditures?

Refer to c. above

e. Were there any oversighting mechanisms in place for planned major expenditures?

Yes, refer to ESA governance arrangements outlined in Question 1.

All capital expenditure related draw downs are requested through Treasury on a regular basis. Each expenditure item is reconciled against an appropriate invoice before funds could be drawn down.

f. What internal checks were in place for authorising expenditure by the ESA?

Authorisation of expenditure was required to be in accordance with ESA Financial Delegations.

The oversight governance arrangements were also in place through the Finance Committee, Capability Board, Internal Audit Committee and the Commissioner's Advisory Group as outlined in Question 1.

g. What external checks, if any, were in place for overseeing expenditure by the ESA?

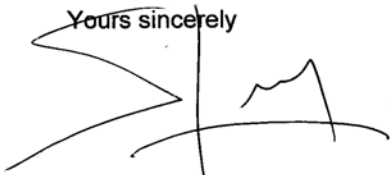
Department of Treasury – Monthly, quarterly and/or annual reporting as required was provided by the Authority to Department of Treasury. This included monthly workbook updates on year to date expenditure, quarterly Management Discussion and Analysis reporting and Estimated Outcome reporting through the Budget system.

Each quarter the Authority reported on the Accountability Indicators, which were tabled in the Assembly. A component of this report was the total cost per head of population indicator that provided the target amount (budget) and actual amount (expenditure). An explanation of any variances accompanied this table.

ACT Auditor-General's Office – the 2004-05 and 2005-06 Financial Reports were audited by the ACT Auditor-General's office and an unqualified report received.

Thank you for your letter and I trust this information will be useful in finalising its report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Corbell', written over a vertical line that serves as a separator between the signature and the typed name below.

Simon Corbell MLA
Minister for Police and Emergency Services

31 JUL 2008

**APPENDIX E: Correspondence from Minister for
Police and Emergency Services –
operational exercises –
8 August 2008**



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES

MEMBER FOR MOLONGLO

Mr Bill Stefaniak MLA
Chair
Standing Committee on Legal Affairs
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601



Dear Mr Stefaniak

Thank you for your letter of 31 July 2008 regarding the Inquiry into Fire and Emergency Services Arrangements in the ACT.

In response to your specific questions, I am able to provide you with the following information.

1) How many operational exercises has the ESA (or its predecessor agency) undertaken in the years since the 2003 fires?

Operational exercises are a common occurrence. The ACT Rural Fire Service and the ACT State Emergency Service have general training/exercises programmed monthly. Community Fire Unit volunteers receive 20 hours of instruction, including both theory and practical components and then undertake refresher training twice a year. In addition to this, it is not uncommon for Community Fire Units to hold training and operation exercises of their own instigation. The ACT Rural Fire Service has participated in a number of exercises with neighbouring NSW Rural Fire Service and National Parks personnel, most recently in Gundagai May 2008. The ACT Fire Brigade also participate in regular programmed exercises, particularly those partly funded by the Commonwealth such as ICMEX. The senior officers also regularly undertake desktop exercises as part of the Commissioner's Operations Group.

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information on operational exercises for the past five and half years. However, I can provide a list of exercises that have been undertaken for the 2007-2008 financial year which is at Attachment A. Please note that this list does not include all ACT Fire Brigade operational exercises which number over 150 for the year.

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2) Has a formal program of exercises been developed by the ESA or its operational elements?

Yes. There are two levels of significant exercises programmed, these include national implemented programs, such as counter terrorism (CT) and chemical, biological, radiological, nuclear (CBRN) exercises as well as bushfire exercises. In addition to this there are numerous general exercises programmed.

3) Has a formal program of exercises with the NSW Rural Fire Service been developed?

Yes. The most recent of these saw the ACT Rural Fire Service attend the NSW Rural Fire Service southern NSW region exercise held in Gundagai in May 2008.

In addition, the draft ACT Rural Fire Business Plan (copy attached for the Committee's benefit at Attachment B) has identified that the ACT Rural fire Service will identify and conduct 10 activities each year, with services of the ESA and adjacent NSW Rural Fire Service Brigades.

4) Have any discussions taken place with NSW authorities to undertake joint exercises between NSW Rural Fire Service and the ACT emergency services agencies?

Yes. High level executive discussions have occurred with the Sydney Headquarters of the NSW Rural Fire Service and NSW Department of Environment and Climate Change (National Parks Division). In addition to this, discussions have occurred at the Regional officer and officer level between the Emergency Services Agency and the NSW Rural Fire Service. An exercise is programmed shortly with Kosciusko National Park senior officers.

You have also made a request for the following documents:

1) ACT Emergency Management Plan

A copy of the Plan is attached at Attachment C. The plan is undergoing some minor updates at present prior to being placed on the Emergency Services Agency website and distributed to stakeholders and Assembly members.

2) Copies of all the Memoranda of Understanding between emergency services and other agencies. The Committee has the MOU between TAMS and the ESA but would appreciate copies of all other MOUs between other agencies, either interstate or within the ACT.

I am pleased to provide you with a number of MOUs that are in place with the Emergency Services Agency or its services as well as some that are in the process of being negotiated/updated.

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

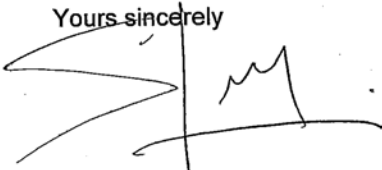
The particular MOUs attached for your information (at Attachment D) are:

MOU Between	Date signed	Review
ACT Health and the Department of Justice and Community Safety 2007-2010	26 April 2007	2010
ACT Fire Brigade and ACT Ambulance Service	9 February 2006	2008
ACT Ambulance Service and ACT Rural Fire Service	20 November 2007	November 2008
Ambulance Service of NSW and the ACT Ambulance Service	14 February 2000	As required
Australian Federal Police, ACT Fire Brigade, Rural Firefighting Service and ACT Coroner's Court	26 July 2002	As required
Interstate Assistance Agreement between NSW Fire Brigades and ACT Fire Brigade	30 November 2004	November 2007
ACT Fire Brigade and NSW Fire Brigades for Mutual Fire Investigation	7 February 2006	Annually
NSW State Emergency Service and ACT State Emergency Service	5 May 2006	Annually
Commonwealth and ACT Emergency Services Bureau Agency	5 May 2008	
ACT Emergency Services Agency and Department of the Environment and Conservation (NSW)	2006	Currently under review
ACT Emergency Services Agency and Department of Environment and Climate Change (NSW)	2008 – DRAFT	
ACT Emergency Services Bureau and NSW Rural Fire Service	2004 – currently under review	Currently under review
ACT Emergency Services Agency and NSW Rural Fire Service	DRAFT – currently under review	
Department of Territory and Municipal Services and ACT Emergency Services Agency for the Provision of Bushfire Preparedness and Response Assistance for 2007-2008	30 November 2007	Currently under review
Coordination of ACT resources in the event of hazard materials spillage between ACT Fire Brigade, ACT WorkCover, Environment ACT and Health Protection Service	28 July 1999	Every 2 years

In relation to your letter to me of 23 July 2008 regarding governance arrangements in place under the former Emergency Services Authority, I trust you have by now received a response to this letter.

I trust this information will be beneficial to the Committee in finalising their report.

Yours sincerely

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Simon Corbell.

Simon Corbell MLA
Minister for Police and Emergency Services

- 8 AUG 2008

ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Attachment A

Date	Type of Exercise	Organised by	Services Involved
July 2007	Vector	ACT RFS	ACT RFS, SES, FB, Risk
July 2007	Navigation exercise	NSW Wilderness Rescue Ass'n	Four ACTSES Units plus NSWSES, NSW RFS, ASNSW, NSW Police, and various bushwalking groups
July 2007	Air search training exercise	ACTSES and AusSAR	ACTSES and NSWSES
July 2007	ECC and ICC training exercise	ACTSES	ACT SES staff plus PIA Unit members
August 2007	IMX IMW	NSW RFS	ACT RFS, NSW RFS, NSW NPWS, Local Govt
August 2007	ICC and FCP training exercise	ACTSES	ACT SES staff plus PIA Unit members
August 2007	USAR/GR training exercise	ACTSES	ACT SES staff plus WDN and RIV Units
Sept 2007	ICP/FCU training exercise	ACTSES	ACT SES staff and PIA Unit
Sept 2007	CBR Decontamination Drill	Calvary Hospital ED	ACTAS
Sept 2007	Desktop	ACT RFS	ACT RFS
October 2007	Canberra Airport Emergency Exercise	Canberra International Airport	ACTAS, ACTFB, SES, St John Ambulance, AFP, AFFR
October 2007	NAVEX	NSW RFS	ACT RFS, NSW RFS
Nov 2007	Investigation & Consequence Management Exercise (ICMEX) Capital ImpACT 2007	NCTC Sponsored Exercise – JaCS SEMB	All
Nov 2007	National Disaster Rescue Competition	Australian Council of State Emergency Services	All State and Territory SES organisations
Nov 2007	Unit Leaders Operations Forum	ACTSES	SES staff and all SES Units
Nov 2007	Farm Firewise	ACT RFS	ACT RFS, NSW RFS
January 2008	Majura Exercises	ACT RFS	ACT RFS
January 2008	Staging Area Management	ACTSES	SES staff and all SES Units
February 2008	Desktop	ACT RFS	ACT RFS, FB, AS, SES, Risk

STANDING COMMITTEE ON LEGAL AFFAIRS

Attachment A

February 2008	Work in an Operations Centre	ACTSES	SES staff and all SES Units
March 2008	Flood Rescue Boat	NSWSES	NSWSES and ACTSES
March 2008	Land search and 4WD	Woden SES	All ACTSES Units
March 2008	Fire and Emergency Services Training Activity (FESTA)	Volunteers	ACTSES volunteers and staff, ACTRFS volunteers and staff, ACTAS, ACTFB, NSWSES, NSWRFSS
April 2008	Work in an Operations Centre	ACTSES	SES staff and all SES Units
May 2008	Joint Training Course CBR/USAR	ACTAS	ACTAS, ASNSW, ACTFB
May 2008	Regional Comp Gundagai	NSW RFS	ACT RFS NSW RFS
May 2008	Air Observer Training	Rural/ Land Agencies	ACT RFS, NPWS, Forests, Vic Water, NSW SES
May 2008	Cert IV TAA, First Aid	ACT RFS	ACT RFS NSW RFS
May 2008	Googong HR	TAMS	ACT RFS, TAMS
May 2008	Staging Area Management	ACTSES	SES staff and all SES Units
May 2008	NavCAN navigation exercise	ACTSES volunteers	SES staff and volunteers, RFS volunteers, TAMS (PCL) staff
June 2008	Drill style exercise – CBR USAR	ACTAS/ACTFB	ACTAS, ACTFB, AFP, SES
June 2008	Traleer HR Burn	NSW RFS	ACT RFS, NSW RFS
June 08	HR Burn, Tallaganda	NSW NPWS	ACT RFS, NSW RFS, NPWS
June 2008	Air search training exercise	ACTSES and AusSAR	ACTSES and NSWSES
June 2008	Rescue competition training activity	NSWSES	NSWSES and Belconnen SES Unit