



Submission cover sheet

Inquiry into the Emergencies Amendment Bill 2026

Submission number: 003

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Date authorised for publication: 5 August 2026

Submission to the Standing Committee on Legal Affairs

Inquiry into the Emergencies Amendment Bill 2026

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July 2026**

My Background

I am making this submission as a Canberra citizen who has extensive knowledge and experience in bushfires and the management of public land to reduce the risks of, and impacts from, bushfires. I have been a member of the ACT's Bushfire Council (2004-2021) and the Multi-Hazard Advisory Council (2021-2025). I have very good knowledge of the background to the establishment of these Councils, as well of the operation of each Council.

I have been actively involved in forest fire management and suppression of bushfires for about 50 years. Before 2000, I worked for 29 years in the Victorian Government's forest management agencies, including being the Regional Fire Protection Officer in East Gippsland and performing the role of Incident Controller at many large bushfires. I was the Director of ACT Forests from 1999 to 2005 and a former Deputy Chief Fire Control Officer in the ACT Bushfire Service at the time of the 2001 and 2003 bushfires. I was actively involved in both the McLeod Inquiry and the Coronial Inquiry into the 2003 Canberra bushfires. I was awarded the Australian Fire Service Medal in 2006.

My Position on the Emergencies Amendment Bill 2026

I do not support any of the proposed changes in the Emergencies Amendment Bill 2026. I consider that the Canberra community will be significantly worse off if there is no longer a statutory requirement for an independent Council providing advice to the Minister and relevant government agencies on bushfire management, including monitoring the scope and effectiveness of the Strategic Bushfire Management Plan.

I don't believe there has been an appropriate analysis of the history of the advisory council, the value of the advice that it has provided or whether there is, or isn't, an ongoing need for independent advice on bushfire management. Neither does there appear to be a substantive report that forms the basis of the five-yearly review of the Emergencies Act, which in the past has been used to inform decisions about proposed legislative changes. From my perspective, this is just the final step in a process that commenced after the 2020 bushfires to ensure that senior officials no longer need to take any account of advice from community members with considerable experience and knowledge about bushfire management.

The ACT has more than 30 statutory advisory bodies, including the Multi-Hazard Advisory Council (MHAC). It is incomprehensible that it would be the first statutory advisory body to be removed, when it is the only statutory advisory body that has a role in ensuring that independent expert and community voices on critical natural hazard strategies and implementation, such as bushfire management, are heard regularly by the ACT government.

I strongly disagree with the statement in the Explanatory Statement that implies that the current governance structure is not responsive or strategically aligned to emerging risks, climate change or contemporary resilience frameworks. A careful examination of the Multi-Hazard Advisory Council's advice outputs would easily demonstrate that this is not the case. I consider that it is extremely naive to think that using ad-hoc non statutory advisory groups to provide advice on complex matters like bushfire management, will give better results than the current statutory arrangements.

In my view, the real issue is that, since the 2020 bushfires, most of the relevant senior officials have not shown any real willingness to work in a collaborative way with the Multi-Hazard Advisory Council (MHAC) and have avoided providing the Council with any clear advice on priority tasks. Over the four-year period from 2021 to 2025, departmental officials provided very few agenda papers on substantive issues for council meetings and decreased the level of administrative support to the Council.

Despite this lack of support, the Council developed a focussed work program and provided a considerable amount of strategic advice to the relevant Ministers. However, unfortunately these senior officials have ensured that virtually none of the advice provided has been used to improve bushfire management and community resilience to natural hazards in the ACT. For example, none of the written advice provided by the Multi-Hazard Advisory Council on the draft Version 5 of the Strategic Bushfire Management Plan, nor its advice on the scope and effectiveness of Version 4 of that plan, was incorporated into Version 5 which was adopted by the ACT Government in 2025, despite the legislative requirements related to these two important aspects of strategic bushfire management. Now the ACT Government is proposing to remove the legislative provisions from the Emergencies Act that gave the Council the power and responsibility to provide that advice and to monitor the effectiveness of the strategy that governs all bushfire management activities in the ACT.

In my submission to a 2024 ACT Legislative Assembly committee examining bushfire preparedness, I pointed out that at least 13 of the important recommendations from the McLeod and Coronial Inquiries following the 2003 bushfires were now no longer being implemented by the relevant agencies (ESA and Parks and Conservation). Since then, other important recommendations, including the recommendation to implement prescribed burning widely across the public land estate to create a mosaic of fuel ages, have been dropped without a proper policy review process.

The Multi-Hazard Advisory Council's final advice to the ACT Government covered the issue of prescribed burning. To the best of my knowledge the recommendations in that

advice document have not been appropriately considered or acted on. Certainly, no response from the ACT Government has been provided back to former members of the MHAC, or posted on the MHAC website page. In my view, it is vital that an appropriate Advisory Council still has the powers to provide such advice and for that advice to be made publicly available along with government responses to that advice. The proposed legislative changes would completely remove those powers.

On this basis, I propose that:

The Standing Committee on Legal Affairs recommends the following:

1. The current proposed amendments to the Emergencies Act, 2004 be put on hold;
2. That an independent review process be established to examine both the effectiveness of the ACT Bushfire Council and ACT Multi-Hazard Advisory Council's operation and advice, as well as the governmental support provided to those two advisory councils;
3. That such a review includes a thorough analysis of the likely impacts on the ACT from natural hazards under the predicted changing climate and how these may impact on community interests;
4. That community and stakeholder views are properly considered before any legislative changes are made to the Emergencies Act to remove the provisions for a statutory advisory body;
5. That consideration be given as to whether or not the legislative provisions related to the Bushfire Council and Multi-Hazard Advisory Council that have been removed from or altered within the Emergencies Act since 2004 have been appropriate;
6. That consideration be given to strengthening legislative provisions to ensure government officials are held accountable and not able to completely sideline the role of, and advice provided, by relevant statutory advisory bodies;

Background to the Provisions Relevant to the Bushfire Council in the Original Emergencies Act, 2004.

The 2003 bushfires in the ACT had a profound impact on the Canberra community due to their impacts on lives, property and the environment. During the processes associated with both the McLeod Inquiry and the Coronial Inquiry, the community expressed a loss of confidence in government agencies to both protect them from bushfires when they occur and to undertake appropriate and sufficient preparedness and risk reduction activities to reduce the impacts from future bushfires.

During the McLeod Inquiry, submissions were made to redefine the Bushfire Council's statutory role into an advisory body and to ensure that its members were drawn from outside the public service and appointed on the basis of expertise and knowledge of bushfire matters. When the original Emergencies Act, 2004 was prepared, it gave effect to the intention to establish a competent independent advisory body with a series of statutory roles designed to ensure its advice was sought on important aspects of bushfire management in the ACT.

The original statutory provisions included:

- ensuring that, when appointing Council members, eight categories of skills or experience relevant to bushfire management or community interests were represented;
- that the Council would meet at least 6 times a year and that the minutes of its meetings were published to ensure public accountability of its operation; and
- the Emergency Services Agency had to provide appropriate administrative support to the Council.

The Bushfire Council had the function of advising both the Minister and the Emergency Services Agency about matters related to bushfires. Importantly, the Council was given a statutory role to monitor the scope and effectiveness of the Strategic Bushfire Management Plan. It had to be consulted by the Commissioner in relation to multiple relevant matters including:

- when appointing the Chief Officer of the RFS;
- when making or reviewing the Strategic Bushfire Management Plan;
- before approving a Bushfire Operational Plan; and
- when conducting an assessment of the resources and capabilities for bushfire prevention and preparedness.

When the report of the Coronial Inquiry was published in 2006, the Coroner recommended that a four-person implementation taskforce be appointed to oversee the implementation of the 70 recommendations from that inquiry. The ACT government rejected that recommendation, indicating that the Bushfire Council would have the role of monitoring of the implementation of recommendations from both the McLeod and Coronial inquiries.

In 2006, the then Minister for Police and Emergency Services directed the ACT Bushfire Council to prepare a report each year in advance of the Bushfire Season to indicate the Council's views about the level of preparedness of the Rural Fire Service and the Public Land Managers for the coming bushfire season. The Bushfire Council, using the expertise of Council members, submitted a Bushfire Preparedness Report to the Minister each year from 2006 to 2021. These were detailed reports, structured around the objectives within the Strategic Bushfire Management Plan, that provided an independent assessment of the current state of bushfire preparedness and a series of recommendations for further improvements in bushfire management arrangement.

In 2012-13, the ACT Government provided funding to the Bushfire Council to engage an experienced consultant to assist it to review the implementation status of all the recommendations from both the McLeod and Coronial inquiries into the 2003 bushfires. Using the information from that review, the Bushfire Council presented a comprehensive report to the ACT Government on the overall status of fire management in the ACT, including consideration of the implementation of inquiry recommendations and implications of emerging issues under six thematic areas.

In the Minister's Foreword to Version 4 of the Strategic Bushfire Management Plan 2019-2024, the Minister stated: "I acknowledge the work of the (then) ACT Bushfire Council, their continuing advice to the ESA as community representatives and the Council's role

in assisting the Commissioner to monitor SBMP scope and effectiveness”. It is somewhat ironic that despite the statutory Advisory Councils (Bushfire Council and Multi-Hazard Advisory Council) continuing to perform those tasks during the life of SBMPv4, that the government is now proposing to completely do away the Council.

Throughout the period of the Bushfire Council’s operation from 2004 to 2021, it was strongly supported by senior ESA staff, including having an experienced officer responsible for the management of Council business and preparing quality agenda papers and correspondence. That level of administrative support diminished in 2021.

Changes in the Bushfire Council’s Roles following the 2020 Orroral Valley Bushfire

Following the significant Orroral Valley Bushfire in 2020, the then Bushfire Council had discussions with the then ESA Commissioner about its role in reviewing the lessons from that bushfire. It was assured that it would have a role as part of the external consultants’ review process that was commissioned by ESA. However, that never occurred. When the Operational Review report was published in August 2020, the Bushfire Council expressed its concerns to ESA about the quality of that report, including that it failed to address any matters related to fire suppression operations or the effectiveness of activities undertaken under Bushfire Operational Plans, excluded a series of legitimate issues raised by volunteers from RFS brigades and included inaccuracies related to the impacts of the fire on rural landholders.

The expression of those concerns promoted the then Commissioner to write to the Council in September 2020 to indicate that she had lost confidence that the Council was operating in accordance with its legislated mandate, without providing any evidence of why that was the case. This resulted in a protracted stand-off between the then Commissioner and the Bushfire Council that extended into 2021. It also meant that, during the 2021 review of the Emergencies Act, there was no dialogue with the Bushfire Council about ESA’s proposal to substantially alter the legislative requirements governing the Bushfire Council. In July of 2021 the Bushfire Council expressed serious concerns about the quality of an external consultant’s assessment of bushfire risk within the Western Edge Study, which covered all the land between the Murrumbidgee River and the current western boundary of Canberra’s urban area. Those concerns were conveyed to the ACT Government in 2021 in the Bushfire Council’s final annual bushfire preparedness report, but to date nothing has been done to address those concerns.

During the 2021 review of the Emergencies Act, 2004 the legislation was changed to replace the Bushfire Council with the Multi-Hazard Advisory Council and most of the original provisions for the Commissioner to consult with the Council were removed. The new Council no longer had to have expertise in aspects of bushfire management and was no longer required to prepare an annual bushfire preparedness report or to comment on the adequacy of Bushfire Operational Plans.

In September 2021, the Minister for Police and Emergency Services wrote to the Bushfire Council members thanking them for their service while, indicating that its

advice, counsel and experience following the 2019-20 bushfires had ensured that the Canberra community was better prepared for bushfires into the future. The Minister expressed the view that the thoroughness of the annual bushfire preparedness reports and the Council's dedication to ensuring the recommendations were fully considered by the relevant government agencies and the Minister demonstrated its commitment to keeping the community safe.

Rationale for the 2021 Changes to the Emergencies Act

The Explanatory Statement for the Emergencies Amendment Bill 2021 stated:

This Bill transitioned the existing ACT Bushfire Council into the ACT Multi-Hazard Advisory Council. This reflects that the Territory faces a range of natural hazards, not just bushfires. These include heatwave events, severe storm, and flash flood. This change will allow the Minister and Emergency Services Agency to receive the benefit of the expertise provided by an advisory council across all natural hazards rather than just bushfires alone. The Bill also removed a number of provisions setting out the administrative processes for the Council. This allows those governance requirements to be contained in the Council's Terms of Reference, providing more flexibility and is more reflective of current governance practice.

While it is true that the ACT faces a number of natural hazards, the Territory Wide Risk Assessment identifies bushfires as the most extreme risk faced. In addition, following the 2003 bushfires there were very good reasons why the legislative provisions covering the Bushfire Council were put in place. If anything, the 2020 Orroral Valley bushfire demonstrated that the risks to the ACT from more frequent severe bushfires were increasing and that further consideration on how best to deal with these risks was appropriate. However, it was very clear from their actions that senior officials within ESA did not want experienced external people to have an ongoing role in monitoring and advising on matters related to bushfire management. This was evidenced by the unilateral recommendation of the Emergency Services Commissioner to remove the requirement for the Advisory Council to provide advice on draft Bushfire Operational Plans prior to their approval by the Commissioner.

Operation of the Multi-Hazard Advisory Council

Terms of Reference for the Multi-Hazard Advisory Council were provided during 2022, indicating that its purpose was to provide advice in accordance with Section 130 of the Emergencies Act on natural hazards. Natural hazards were defined as bushfires, floods, storms or other extreme weather events that have a potential to:

- (a) Cause the death of or harm to a person; and
- (b) Damage property or the environment

The Multi-Hazard Advisory Council held its first meeting in November 2021 and then met monthly until August 2024, when it was decided to move to bi-monthly meetings. During 2022 and 2023 administrative support for MHAC was provided by ESA, but with changes of support staff, including just providing a contract minutes taker, this became challenging and, after discussion with the Chair of MHAC, a decision was made to move to having administrative support provided by Justice and Community Safety Directorate

from the beginning of 2024. From that time onwards, ESA was not always represented by senior officials at MHAC meetings. From the passage of the Emergencies Act in 2004, there was a requirement to have both minutes and advice from the Advisory Council publicly available. The last lot of MHAC meeting minutes available on the website is from the meeting on 1 November 2023.

In 2022, MHAC developed a thematic work plan and provided advice on the revised ACT flood sub plan, the draft Territory Plan and it developed a major report on the Status of Bushfire Management in the ACT to coincide with the 20th Anniversary of the 2003 bushfires. That report identified eight major issues that need greater consideration to mitigate the increasing risk of bushfires in the ACT along with 23 recommendations for government action. The Government's response to that advice agreed to five of the recommendations, but it just noted all the other recommendations. During a presentation on the draft revised Territory Wide Risk Assessment, council members commented that bushfires were still an extreme risk and the draft plan was deficient in actions related to that risk. It is ironic that, four years on from those discussions, the ACT Government still has not finalised an updated Territory Wide Risk Assessment.

In February 2023, MHAC provided written advice to the Minister on Community Resilience to Natural Disasters that proposed four key actions for the ACT Government, aimed at improving community disaster resilience:

1. Consider making community disaster resilience an object in relevant legislation
2. Develop principles, objectives and measures for community disaster resilience
3. Develop an ACT all hazards community disaster resilience plan
4. Investigate Commonwealth and other funding sources to augment ACT government support of delivering actions under an ACT all hazards community disaster resilience plan.

During 2023, MHAC also provided advice on the Planning System Review and Territory Plan, the ACT Heatwave Plan, the ACT Elevated Fire Danger Plan, the risk of flash flooding impacting proposed development in Woden town centre, as well as on ESA documents related to Bushfire Management Standards, Community Engagement and the revised ESA strategic plan.

During 2024, MHAC provided advice on the draft ACT Disaster Resilience Strategy and the allied Disaster Risk Reduction Action Plan. It also developed a comprehensive evaluation of the scope and effectiveness of Version 4 of the Strategic Bushfire Management Plan and provided input and comprehensive comments on early drafts of Version 5 of the Strategic Bushfire Management Plan.

During 2025, MHAC focussed on the substance of SBMPv5, including providing formal written advice on various deficiencies during the public comment period. It also pursued its concerns about management of bushfire hazards in Bluett's Block adjacent to Denman Prospect and the fact that planned BOP activities to reduce those hazards had not been implemented for more than 3 years after the issue was first raised.

The four-year terms of most of the Council members were due to expire on 30 September 2025. During 2025, JACS made no significant effort to progress appointments to MHAC. In September 2025, most MHAC members were offered a six-month extension to their appointment, while work continued on new appointments. I was not able to be reappointed beyond 30 September, as I had already served the maximum appointment period of eight years. Three current MHAC members, including the then Chair and Deputy Chair declined the offer of a six-month extension, which meant that without a Chair or Deputy Chair the MHAC had to be put into recess. It appears that no effort was made to address this problem during 2026.

The Nature of Bushfire Risk in the ACT

The Territory Wide Risk Assessment 2017 listed bushfire as the only risk having both an extreme risk and catastrophic consequences. Canberra's physical layout, which includes a mix of suburbs tightly bordering forested nature reserves, some pine forests, and substantial areas of grassland—places residential areas at direct risk from bushfires. The 2003 bushfires, which had a very significant impact on the ACT community and the environment clearly demonstrated the substantial risk from bushfires. The 2020 bushfires reinforced this substantial risk and demonstrated that large-scale intense bushfires can re-occur within two decades.

Under a changing climate, the Australian Capital Territory (ACT) faces a significantly increased and escalating risk of severe bushfires. Rising temperatures, prolonged droughts, and lower cool-season rainfall are extending the length of the fire season and driving up the frequency of extreme fire weather days. In the two decades since the 2003 bushfires, there has been a considerable development of new suburbs on the western and northern edges of the urban footprint, all of which are at risk of being impacted by bushfires. The level of active management to reduce bushfire risks within forests to the west of Canberra has been declining since 2020. This means there are now many fire access trails that are badly eroded and the fuel levels in many areas are not similar to what they were before the 2003 bushfires.

We see the impacts of severe bushfires impacting on communities across the globe, including in many areas that previously did not experience severe landscape-level bushfires. The ACT does have a substantial history of severe bushfires and I therefore contend that it would be foolhardy to do away with the legislative requirement for community advice on bushfire management.

Comments on the Rationale for the Legislative Changes

The Explanatory Statement for the Emergencies Amendment Bill 2026 contains a number of statements that require comment:

The Bill removes all statutory requirements relating to MHAC, including its functions, membership, reporting obligations and consultation requirements. The amendments support the ACT Government's shift toward adaptive, flexible and forward-looking

governance that can evolve in response to emerging risks, climate change, and contemporary resilience frameworks.

The ACT Government has not made a case as to why the existing Multi Hazard Advisory Council is not adaptive, flexible or forward looking. An examination of the minutes of that Council along with the various written advice that it provided to the ACT Government during its 4-year term from 2021 to 2025 would clearly show that the Council was very adaptive and forward looking and had to be very flexible when it got virtually no advice from the government or officials about what matters it should examine and provide advice on.

The post-2004 ACT Bushfire Council, as the predecessor to the MHAC, was established with the core role to advise the Minister and (then) Emergency Services Authority on bushfire matters. The Explanatory Statement for the Emergencies Bill 2004 made clear that this was limited to strategic and policy advice and not to advise on operational matters.

This statement is not completely correct, it changes the meaning of various words in the 2004 Explanatory Statement and ignores the reality that the 2004 legislation did give a range of roles to the Bushfire Council to advise on operational matters. The wording in the 2004 Explanatory Statement was referring to the vesting of operational powers in relation to bushfire suppression with the Chief Officer of the RFS, rather than the Bushfire Council as prescribed in the Bushfire Act 1936. In practice the Bushfire Council that existed prior to the 2003 bushfires was no longer performing that operational role, but the legislation had never been updated. What the 2004 Explanatory Statement clearly stated was:

The Bill ensures that the advice of the council is sought by the minister or the new authority in specified circumstances, and that it must be taken into account when making decisions about senior appointments, declaration of the bushfire season, the strategic bushfire management plan or rural fire fighting operations.

Many of those legislated advisory roles could be regarded as “operational matters” rather than strategic and policy matters, as could the provisions requiring consultation with the Bushfire Council before making or reviewing a bushfire operational plan [original sections 78 (2) and (3)].

However, the MHAC does not have a direct role in the management of natural hazards or advising on operational issues. There is no requirement that MHAC members have specified expertise in terms of environmental protection or risk management or that there be Aboriginal and Torres Strait Islander cultural representation on the MHAC.

These two statements contain several inaccuracies. Firstly, the MHAC did still have some roles in providing advice on the management of natural hazards. In particular, ESA was required to consult with MHAC when preparing or reviewing a Strategic Bushfire Management Plan [section 72 (2) (a) and section 80 (1)]. In addition, ESA had to in consultation with MHAC monitor the scope and effectiveness of the Strategic Bushfire Management Plan [section 72 (5)]. During 2024, MHAC prepared a comprehensive 40-page report on the scope and effectiveness of Version 4 of the Strategic Bushfire Management Plan, that included nine recommendations and advice on improving the effectiveness of future Strategic Bushfire Management Plans. The statement on the lack

of requirements to have specific expertise amongst the MHAC members is ironic given the ACT Government removed the mandated expertise requirements, during the 2021 Emergencies Amendment Bill.

The Minister for Police, Fire and Emergency Services has committed to establishing two new advisory bodies to inform ACT Government implementation of the Strategic Bushfire Management Plan and the ACT Disaster Resilience Strategy. These advisory bodies will provide advice to government consistent with the advice provided by the Multi Hazards Advisory Council, in a more adaptive and flexible manner.

To be effective and have sufficient understanding of complex issues such as bushfire management, the members of an advisory body need relevant subject expertise as well as a detailed understanding of how bushfire management and the implementation of particular strategies are being undertaken. That can only be gained through regular meetings over a number of years – not just by bringing people together for a short period to develop specific advice on one issue. By removing the statutory provisions governing the relevant advisory body (ies), it would leave it completely open to senior officials to decide what they seek advice on, as well as the number of times such bodies will meet. It is very hard to see how that type of arrangement will result in better quality advice to government on important matters such as bushfire management and disaster resilience. It is worthy of note that MHAC did develop comprehensive advice to the Government on community resilience as part of its work program in 2022-23, as well as on the effectiveness of implementation of Version 4 of the Strategic Bushfire Management Plan in 2024. Neither of these two substantive tasks could have been accomplished by the Council without very substantial contributions of personal time by some council members outside formal MHAC meetings.

Specific Comments on the Proposed Legislative Changes

Section 10 – Asking Council's Advice

From my perspective, there should be mandatory requirements for the Commissioner to seek advice from the Advisory Council on both strategic issues as well as important operational issues that are directly related to the achievement of effective management of natural hazards, particularly bushfire hazards.

Section 10 prescribed the situations where the Commissioner must ask for and consider advice from the Advisory Council as well as providing the power for the Commissioner to ask for the Council's advice on any function related to natural hazards. Despite there being a strong history of Commissioners seeking advice on Bushfire Operational Plans from 2004 to 2021, following the creation of the Multi-Hazard Council in 2012 neither of the two ESA Commissioners saw fit to ask for Council's advice on any matter related to management of natural hazards.

Section 72 (2) (a) – Strategic Bushfire Management Plan

This current clause must be retained to ensure there is appropriate independent input to the development of the Strategic Bushfire Management Plan.

There is a real danger in removing the legislated requirement to consult with an appropriately constituted Advisory Body during the preparation of a Strategic Bushfire Management Plan. History in the ACT has clearly shown that officials alone do not hold all the relevant knowledge about the history of bushfires in the ACT and appropriate bushfire management strategies. The ACT community has an absolute right to expect that the situation that existed in 2003, that contributed greatly to the impacts of the 2003 bushfires on the ACT community, can never happen again.

The Explanatory Statement indicates that advice on the implementation of a Strategic Bushfire Management Plan would be sort from a non-statutory advisory body. This provides no guarantee that an ineffective Strategic Bushfire Management Plan won't be adopted, leaving the ACT community and its environment significantly exposed to severe bushfire impacts.

The ESA has not undertaken any proper analysis of the history of the advice provided by either the previous Bushfire Council or the current Multi-Hazard Advisory Council during the preparation of five versions of the Strategic Bushfire Management Plan. Certainly, no case has been made as to why this is no longer needed. This appears to be just a matter of the officials not wanting to have to deal with substantive advice from a statutory advisory body.

Section 72 (7) and (8) – Consultation with the Advisory Council

I consider that both of these sections should be retained.

Section 72 (7) The commissioner must, in consultation with the advisory council, monitor the scope and effectiveness of the plan (SBMP).

I maintain that this section of the Act is a critical element of necessary and effective good governance of bushfire management in the ACT. The role performed by the Advisory Council does not in any way duplicate any other monitoring and reporting processes that exist in relation to the Strategic Bushfire Management Plan. This is because it is the only independent monitoring process and it is undertaken at a far greater level of detail than any of the other reporting processes, such as the statements in the departmental annual reports.

During 2024, the Multi Hazard Advisory Council prepared a comprehensive 40-page report on the scope and effectiveness of Version 4 of the Strategic Bushfire Management Plan, that included nine recommendations and advice on improving the effectiveness of future Strategic Bushfire Management Plans. The Council members developed a methodology to assess the effectiveness of the implementation of the SBMP during the period 2019-2024 under different bushfire scenarios. Two important findings of that assessment were:

1. The effectiveness of SBMPv4 decreases as the risk that a fire scenario poses to the community increases. Under lower risk scenarios, the SBMP is generally effective, but becomes largely ineffective under the highest risk fire scenarios.

2. In relation to the actions under the 12 objectives of SBMPv4 only those actions under Objective 5 were considered to be fully achieved.

The MHAC was never provided with any formal feedback from ESA on its effectiveness assessment report and it is not evident that any of the Council's recommendations influenced the content of SBMPv5. The Explanatory Statement for the adoption of SBMPv5 (Disallowable Instrument DI20225-249) made no reference to either the Advisory Council's monitoring and advice on the scope and effectiveness of SBMPv4.

Section 72 (8) The commissioner, in consultation with the advisory council, may recommend amendments of the plan to the Minister.

While it is not apparent that any amendments have ever been made to a Strategic Bushfire Management Plan since version 1 was approved in 2004, the ability to amend the plan should be retained. If an amendment was ever planned, then it is logical that the Advisory Council should be consulted during the development of the proposed amendment. That is the only way to guard against the prospect of a change that is not in the community's best interest being made without any independent consideration.

Section 76 (2) – Assessment of Resources and Capabilities

This is a very important responsibility that should not be removed without very careful consideration of the risk of a Strategic Bushfire Management Plan being adopted without having adequate resources and capabilities to implement it properly.

Section 76(2) of the Emergencies Act was put in place after the 2003 bushfires to guard against officials developing a Strategic Bushfire Management Plan that included agreed actions that could not be implemented due to there being inadequate funding or a lack of appropriate bushfire management capabilities. The then Bushfire Council was included in that assessment process to ensure that there was independent community input and transparency in assessing whether there were adequate resources and capabilities to implement the plan effectively.

Following the adoption of Version 4 of the Strategic Bushfire Management Plan in late 2019 the then ESA Commissioner made no attempt to prepare the relevant assessment. The Bushfire Council repeatedly called for such an Assessment to be provided to the Council – to comply with the legislated provision. Eventually the Commissioner tabled the ESA's current financial year budget and indicated that it was the Assessment of Resources and Capabilities. This was clearly not in accordance with the intent of the legislation. Subsequently both the Bushfire Council and the Multi-Hazard Advisory Council expressed concerns about some actions within the plan not being implemented. This included actions related to adaptive management, climate change and prioritising bushfire operations across rural lands and river corridors.

When SBMPv5 was adopted, no attempt was made by ESA to provide the relevant assessment of Resources and Capabilities prior to the Multi-Hazard Advisory Council being put into recess in October 2025. Without the MHAC currently operating there is no

public accountability that there are adequate resources and capabilities to fully implement the actions in Version 5 of the Strategic Bushfire Management Plan. I suspect it is highly likely that the legislative requirement of Section 76 (2) has not been complied with by the ESA Commissioner.

Section 80 (1) – Review of the Strategic Bushfire Management Plan

It is critical that independent advice from people with bushfire expertise and the community's experience with dealing with bushfire impacts are given a legislated role during the reviews of a Strategic Bushfire Management Plan, especially given the history of bushfires impacting the Canberra and rural communities in the ACT. Given the complexity of a Strategic Bushfire Management Plan this is best done through a statutory Advisory Council that meets regularly and develops an appropriate understanding of the various strategies and actions within a SBMP.

While the Multi-Hazard Advisory Council had several meetings with the ESA staff developing Version 5 of the Strategic Bushfire Management Plan and provided at least two lots of written comments, virtually none of the Council's advice was taken into account in the final version of SBMPv5 that was tabled in the Legislative Assembly in 2025. Importantly, MHAC had indicated that the draft SBMPv5 did not include all of the items that must be included as specified in Section 74 of the Emergencies Act. The explanatory statement that accompanied SBMPv5 just indicated that the Multi Hazard Advisory Council had been consulted and failed to mention that there were some items of Section 74 that were not included. In previous versions of the SBMP much of the previous Bushfire Council's advice was incorporated into the final version of the plan. Public accountability of decisions about issues raised about improving bushfire management is critical to maintaining public confidence that the ACT does have an effective system for managing bushfires.

Proposed addition to the legislation:

Section 72 (3) (a) – the words “and the Multi-Hazard Advisory Council” should be added after the words “the conservator”. This is necessary to ensure that the Commissioner provides proper accountability in relation to all matters raised by the Multi Hazard Advisory Council.

Section 119 (3) – Declaration of the Bushfire Season

Section 119 (3) requires to the Commissioner to consult with the Advisory Council only in situations when the standard commencement or cessation dates of the declared Bushfire Season are to be altered. During the life of the Multi-Hazard Advisory Council this only happened a few times and in each case the Council supported the Commissioner's proposed changes.

Changing the dates for starting or ending the Bushfire Season does have some implications for the community, particularly for rural landholders in the ACT. The current legislative requirement ensures that there is some consultation with independent community representatives.

Chapter 6 – Multi-Hazard Advisory Council

This chapter contains all the provisions for the establishment and operation of the current Multi-Hazard Advisory Council. As previously stated, I do not support the complete removal of legislative provisions for an advisory body, because it is critical that the community has a legislated role on management of natural hazards that have the potential to greatly impact them. The history of significant bushfires in the ACT has clearly demonstrated this need and the ACT Government has not conducted any proper review of the effectiveness of the current arrangements.

In my view, the legislative changes made in 2021 to move away from a focussed Bushfire Council to a Multi-Hazard Advisory Council, that had a broader remit but limited direction and support from the Government, was a mistake in relation to the most significant natural hazard in the ACT- bushfires.

I recommend that the proposed changes be put on hold until such times as there has been a thorough independent review of the current legislative arrangements and wider consultation with the community about how its interests are best heard by Government.