

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON LEGAL AFFAIRS

Mr Bill Stefaniak, MLA (Chair), Ms Karin MacDonald MLA (Deputy Chair), Ms Deb Foskey MLA

INQUIRY INTO ACT FIRE AND EMERGENCY SERVICES ARRANGEMENTS

Mr Bill Stefaniak MLA

Chair,

The following is my response to the initial questions posed by the committee in relation to the ACT Emergency Services Agency. My background relative to emergency services is extensively with bushfire, particularly in remote areas and across large scale areas such as state forests and national parks. My specialty, and my experience, is with active incident management of large scale bushfire events, and with the strategic planning for their prevention and mitigation in the long-term.

In mid 2004 I was appointed as the Deputy Chief Officer of the ACT RFS and later that same year I had the privilege of being appointed as Chief Officer of the RFS. I held this position till mid 2007. My purpose in this submission is to provide the committee with constructive information that will assist the ACT to develop an Emergency Service that is capable of meeting all the emergency services needs of the ACT

Yours sincerely

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Overview

The 2003 fires were a watershed event for Canberra – it goes without saying. The direct cost to the Canberra community was well over \$700 million. Add to this the ongoing and additional cost to the same community in respect of the psychological scars to many people which can never truly be quantified.

My desire to come and work for the ACT RFS was based on a simple premise and desire to ensure that the events of 2003 would and should never happen again. I strongly believe that with adequate and strategic long-term vision and planning in terms of land management, volunteer recruitment, training, communication and equipment that the ACT should never again be in a position so that when threatened by severe and extreme fire conditions in the future (and it is when, not if), that it will be far better prepared, informed and capable of minimising losses in terms of people and property than it was in 2003.

My time working for the ACT RFS highlighted many of the reasons why this increased level of preparedness is both possible and unlikely here in the ACT, and that without a strong focus on medium and long term goals and an overwhelming commitment from government (particularly in terms of financial support) in particular on one hand and the public and volunteers on the other hand, Canberra would find history repeating itself with the next major bushfire or indeed with the next major emergency event in the ACT.

My attempt through this submission is to be able to outline the major factors that are required for the ACT to ensure that when a 2003 type event occurs again, and the principles are equally as relevant any other major emergency situation over and above severe bushfire, that the ACT Emergency Services are far better prepared to respond and react.

The key components to this occurring are;

- A committed, united, well trained and well equipped emergency service
- A committed, well trained and well equipped volunteer force
- A committed government in terms of financial support for the real cost of responding to and protecting Canberra from all potential major emergencies
- A commitment to having a well informed and well prepared Canberra public

The following submission, I trust, will help create the platform to achieve putting these components into place.

Major Issues for Comment

- **What is the preferred organisational structure for emergency services operations to achieve the most efficient and effective service?**

There are a number of models for emergency services agencies both in Australia and overseas that provide a basis for both an efficient and effective service. Many of these could be used as the basis for the structure in the ACT

Fundamental to the organisational structure is the government's direction as to the level of service required for the ACT. A better question is what is the most effective structure to allow the ESA to adequately respond to the range of emergency situations likely in the ACT and in particular other major (bushfire) emergency events that may occur?

Most significantly, does the current structure of the ESA allow it to function more efficiently and effectively than it did in 2003?

- **Who should take primary responsibility for the various aspects of bushfire management: prevention, preparedness & planning, response, recovery?**

Basic rule is that "he who owns the fuel owns the fire". In other states the primary responsibilities for these aspects is that of the landowner, ie. State Forests, National Parks and Rural Fire Service (private land). Under the various legislations across the states these agencies have the responsibility for all the aspects of fire management on their land

Historically, this has not worked well in many states due to other competing legislative requirements and underlying philosophies relating to bushfire control and management resulting in a very varied approach to PPRR across different land tenures. The end result has been a diverse approach to PPRR depending on the land tenure and the management authority. It has led to, often significant, issues in particular related to hazard reduction programs and weight of attack as well as issues of primary response agency (depending on where the fire starts and where it's heading) when to "handover", and the method of attack.

In the ACT its size is an advantage. The revised legislation, post 2004, provides the ESA with the overarching primary responsibility for response and an overarching audit responsibility in terms of planning, preparedness and recovery. A single agency (the ESA) having the response responsibility provides for a consistency in response, eliminates the issue of "whose fire it is" and therefore who's responsible and provides for a far better potential to manage fires of large scale (mega fires)

- **What is the appropriate level of responsibility to place on land managers with regard to preparation, planning and response to wildfire events?**

I find this a somewhat meaningless question. What is meant by "appropriate level of responsibility"?

Land Managers across Australia (Parks and Forestry organisations) are as a rule responsible for all aspects of PPRR. All these agencies work under legislation that requires that they address all aspects of PPRR. To what degree they achieve a satisfactory result continues to be the subject of conjecture and the basis for current civil action in relation to issues such as response times and response actions and also fuel levels and management of those levels.

• What is the responsibility of residents on the urban interface with regard to preparation, planning and response to wildfire events that threaten their property?

Residents on the urban interface have a much greater level of responsibility than many of them realise. There are many initiatives that residents can undertake in and around their homes that better prepare their properties from the impact of bushfires, and their capacity to protect their homes from ember attack in particular. These range from simple regular maintenance through to specific building materials and alterations, and the possession of basic fire-fighting equipment.

Research and experience has shown that a well prepared home has a high chance of survival in even the most extreme bushfire conditions

• How can the public best be informed about wildfire events as they unfold?

A variety of public communication avenues exist that can be utilised. Ultimately the medium that can and should be used depends on the audience, the message and the emergency circumstances occurring. Technology has advanced considerably over recent years to enable emergency services to use any number of avenues for information sharing with the public.

Ultimately it is incumbent upon the emergency service to have a comprehensive communication strategy that can be employed to meet the needs of the situation.

• What should be included in public education and awareness campaigns? How are these best delivered?

All citizens should be encompassed in a public education and awareness campaign. As such, because of the diversity across our society, there is a need for a campaign that reaches out at many different levels. As to the content of a campaign relating to bushfire awareness and bushfire preparedness, there are a number of excellent examples across Australia (Victoria in particular) of the inclusive messages that are required in such a campaign.

They should be delivered through a variety of mediums, again depending on the target audience and the desired message required to be delivered. AFAC has made a significant contribution over the years to key messages and delivery methods relating to bushfire awareness campaigns

- **What should the role of the ACT Bushfire Council be?**

An independent advisory body to Minister and government on all matters related to Preparation, Planning, Response and Recovery in the ACT and surrounds.

It should be a body completely independent of government and political interference that is free to frankly and fearlessly present its view to parliament and the Minister on all matters relating to bushfire in the ACT.

- **What is the appropriate level of resourcing for each service and the Emergency Services Agency as a whole?**

This question cannot be answered specifically until the level of protection required for the people of Canberra is adequately determined and assessed. Just what is the most effective structure to allow the ESA to adequately respond to the range of emergency situations likely in the ACT and in particular other major (bushfire) emergency events that may occur?

Once this question is answered then the level of resourcing for each service and the ESA to achieve this as a whole can be answered.

- **What should the staffing arrangements be in the Emergency Services Agency and brigades?**

Again, these arrangements can only adequately be determined when the level of required protection is clear

- **What replacement or additional equipment is required?**

Significant work has been done over recent years to identify gaps in equipment (including vehicles) that would bring the ACT ESA into line with regard to old, outdated and unsafe equipment. The RFS in particular has had some major replacements made since 2003. I am unaware of the current status of updating, additions and replacement.

However, again there is the question of being equipped to what level of capacity to respond to what level(s) of emergency that overarches this answer

- **What is the preferred approach to fire access and fuel management?**

All things being equal the general principles are that a fire roading access pattern should best reflect the capacity of the existing suppression resources to reach the source of a fire in a pre-determined time frame and that fuel management should be such that a mosaic of fuel loads exists across the landscape. This principle varies depending on topography, fuel type and assets to be protected. It also varies with existing capability.

The Strategic Bushfire Management Plan for the ACT (and one of a kind for Australia) outlines a good, sound and strategic set of principles and preferred options for both of these factors. It is in the implementation of these principles across different land tenures and jurisdictions in the ACT where interpretations may vary and conflict can occur in relation to such issues as preservation versus fuel reduction, or access versus conservation.

• What is the preferred approach to control and containment of fires? Is a policy of suppression of all fires appropriate, particularly in natural reserve areas?

For any fire outbreak the guiding principle is that a quick, rapid suppression response should be adopted to minimise the capacity of the fire to spread.

However, there is an accepted exception to this, depending on the time of year (visa vie, late autumn and early winter) that fires in remote natural areas can be allowed to burn without immediate suppression if indeed in burning they are performing a fuel hazard reduction role in largely inaccessible areas. Provided that no assets are in danger (assets can be physical, cultural or environmental), such an approach has historically been used to great benefit in areas that are difficult to access and where fuel loads are high. Such an approach would not generally be appropriate in early spring or summer as it could lead to a major fire event.

• Is there currently adequate co-operation in co-ordination between the emergency services units; between emergency services and land management agencies; between ACT and interstate emergency services agencies? How could these be improved?

Overall I would describe the cooperation in coordination as being adequate in terms of dealing with minor and day to day emergency events however, for major emergencies my observation would be that this cooperation would be tested and found wanting.

Between Emergency Services Units – there is a definite willingness and intent to cooperate but my belief is this would be tested in an emergency. This is primarily because of the fractured nature of understanding and expertise in the AIIMS approach and application across each of the services, and a continuing grey area of where “handover of control” (in respect of bushfires) should occur.

With AIIMS, it is one thing to study it and to understand it however it is another to put it into practice. Joint exercises across the services since 2003 consistently highlighted deficiencies across the services that would impact on coordination in a major emergency situation, particularly bushfire. While some of these have been addressed, many still had not been at the time I left the service. Of particular relevance was the issue of “handover of control” as a bushfire progressed from the bush to the urban edge

Emergency Services and Land Managers – again a willingness to cooperate but a constant underlying grey area around who should be in charge of the fire at particular points of development on land they manage. Issues of self responding and overt weights

of attack (units being sent) to outbreaks on TAMS land were regular events in my last season (2006/07). While these ultimately did not result in any major issues, at times of extreme fire activity across the ACT the consequences of such actions could have had greater significance.

Emergency Services and Interstate Agencies – significant increase in cooperation since 2003 with the signing of MOU's and operational agreements with NSW RFS in particular and NSW NPWS and the running of regular joint exercises

Additionally there is the issue of the AFP and their involvement in major emergencies. The AFP are only just beginning to adopt aspects of AIIMS as their command and control during emergency events.

Cooperation and coordination can only be improved through ongoing joint exercises across a range of emergency situations, to allow all services to appreciate and understand the role that each play.

• Are there possibilities of shared resources with interstate? What are the implications?

Yes there are.

There is and there should constantly be, strategically shared resources (machinery, administration and manpower) with interstate (NSW). Indeed from a strategic perspective, surrounded by NSW, sharing resources is not only advantageous it is simply common sense.

The implications are that if handled in a strategic, logical, professional manner, many of the inherent high costs to the ACT of running an emergency service such as machinery purchase and training could be defrayed by sharing and being a part of the same system. It is equally as relevant for bushfire as it is for urban fire, SES and ambulance and should not be too quickly glossed over.

The opportunities for economies of scale and savings to the ACT should not be dismissed lightly and should be fully explored.

• Do the policies and operational plans adequately set out the roles and responsibilities of the parties, the preferred approach to each stage of the bushfire management (prevention, preparedness & planning, response, recovery)?

In principle the policies and operational plans do, to a large extent, adequately set out the roles of the various parties in terms of each stage of bushfire management per se. However, I believe that it is questionable as to just how well they are understood across each of the agencies and indeed extending further, how well they are understood across the many other ACT government departments involved in particular aspects of

PPRR. While there have been a number of exercises over the last four years, many of the aspects of these policies and plans have not been fully tested under serious exercise conditions let alone emergency conditions, since 2003.

Until the understanding and implementation of these roles and responsibilities are rigorously explored and tested under strict exercise or emergency conditions their veracity and integrity will not be revealed. In short, there have been insufficient complex exercises and few too extreme bushfire and emergency events (thankfully) to test whether the roles and responsibilities are as well understood as they should be.

• Do the current structures and policies reflect the lessons learnt from the 2003 bushfires?

In terms of policies since 2003 there have been many improvements to both the RFS and ESA in terms of philosophy, training needs and equipment. However, the continuation of these requires ongoing commitment and significant ongoing capital injection.

The improvements particularly through the Strategic Bushfire Management Plan in terms of broadscale land management, fuel reduction planning and hazard reduction, if adhered to and followed through with by TAMS as part of their ongoing management practices, could effectively mitigate the impact of significant future bushfire events when they occur. Again, the continuation of these initiatives requires ongoing annual commitment and significant ongoing capital injection.

To this extent, and in respect of these issues, Canberra is far better prepared than it was before 2003.

Significantly though, in respect of structure, there are still outstanding command and control issues (in terms of comprehensive, adequate and uniform understanding of the AIIMS system) along with strategic control issues relative to incident control handover that, I believe, would be found wanting under extreme emergency conditions.

Additionally, I can see no real benefit to the advancement and growth of the Emergency Services to meet the needs of the ACT community under the current structure that primarily runs directly in contradiction to the recommendations of the McLeod Report and the Coronial findings. The ESA's capacity to grow and advance to meet the increasing needs of the ACT community is inherently restricted through tight fiscal control over an agency that has still not dealt with the issues surrounding the real cost of protecting Canberra.

This is not advocating an unlimited budget for the ESA but it is highlighting that under an Authority, an Emergency Service has at least a capacity to both argue its case and highlight to the Minister and to Parliament the potential risks of reduced or limited funding in particular areas. Under a large Department, with very limited senior executive experience in or understanding of emergency management, the case for increased budget is always much more difficult to advance with other competing priorities.

Regrettably, given the ACT's historical infrequent bushfire history, the consequences of a less than adequate structure may not be realised for at least 10 to 15 years, where the failings of a structure put in place years before hand are not realised until that structure is put under extreme pressure.

As a very real analogy, the structure put in place and perpetuated in the early 90's under the ESB was not rigorously tested until 2003 – when it ultimately failed.

For many years the structure was considered “adequate”.

You do not prepare for a 2003 event a year before it occurs - it takes many years of planning, building and training. In 2003 the command and control structure collapsed because the chain of command was not properly understood nor was it in place. My professional opinion is that the new structure places far too much pressure on particular individuals at key points in the structure (for example a Deputy Commissioner of Fire Brigade, RFS and SES as one position is untenable), so much so that if another 2003 type event occurred it would likely collapse again.

My concern is that for Canberra's next large scale emergency, the structure will fail the first test of pressure because the operational inefficiency of the structure will be exposed just as it was in 2003. Ironically, the failings of this restructure may not be evident for many years to come (because they will only be apparent under the severe pressure of a major incident).

This proposed new structure may and probably will serve Canberra for 95% of all emergencies, but that is not the point here. It is the 5%, indeed (in the case of major bushfires such as 2003) it is the less than 1% (Mega fires) of events that such a structure is tested, and fails, and the community is left to pick up the pieces.

Other Matters

The Real Cost, the True Cost of Running the ESA (Protecting Canberra)

What does it really cost to run the ESA? (Can't correctly answer this without clearly defining what the expected roles of the ESA are). Certainly there is the *Emergencies Act*, which outlines a wide variety of responsibilities for the ESA under the legislation, but despite this the totality of the expected roles has never been clearly articulated by government.

More correctly, the question should be, “what does it cost to provide the ACT with the level of protection from all major Emergencies (Fires, Flood, Storms) that Canberra's deserve?”

And that's a different question with probably a very different answer

It is always the call of the government of the day to make the final decision on budget, but the decision has to be based on a logical and considered rationale and discussion – with the basis of this being what level of service in respect of emergency management the government requires of the ESA, relative to that required by the needs of the people of Canberra.

Membership of and Contribution to National Bodies

Since 2003 considerable effort had been made to ensure that the four services of ACT ESA were members of and contributors to National bodies such as AFAC. The ACT's involvement at the National level allowed it to be able to assimilate and share in the major developments in emergency services not just in Australia but also at an international level.

The ACT went from being a “backwater” in terms of its involvement pre-2003 to a key player in many areas of development, such as AIIMS standards.

Regrettably in the last 12 months this involvement of the services at the National level has diminished and with it the ACT's status.

Fire Management in Cotter Catchment

The 2003 fires devastated the Cotter Catchment and Canberra's potential water supply. The immediate effect on water quality has resulted in an expensive and complicated exercise for government to restore that quality. The medium to long-term affect on water quantity are yet to be realised as the forest slowly recovers. Evidence from other catchments affected by severe bushfire indicates that there is a dramatic reduction in water quantity for several decades as the vegetation cover continues to grow and re-establish.

It goes without saying that the potential impacts of severe bushfire need to be significantly mitigated in the Cotter Catchment

The fire history of Canberra indicates that it is an event that will occur again sometime in Canberra's future that will either start with an ignition in the catchment itself or with a fire entering from the west or north-west burning on a large front. It is also reasonable to assume that in severe fire weather, suppression of a fire in the catchment would not be a priority over life and property that may also be being threatened on the day.

To ensure the best chance of long-term security from significant damage to the catchment from severe bushfires the ACT must have the following in place;

- *An Approved Strategic Management Plan for the Cotter Catchment that incorporates an ongoing bushfire management program*

I was a member of the advisory group that was developing this management plan for the Government's consideration. A considerable amount of work was put into this plan by a broad spectrum of members of ACT government and ACTEW representatives. The plan

included a bushfire management component relating to desired fuel mosaics and active fuel management issues within and across the catchment. The plan had been put before government but had not been endorsed at the time I left last year. I am unaware of its current status

- *High Level Agreements with the NSW Government on bushfire management issues on the land adjacent to the ACT's western border*

Active management of the land immediately adjacent to Canberra's west for bushfire mitigation is an absolute priority. While a lot of work has been done at a local cross border basis with NPWS and NSWRFSS, nothing significant (to my knowledge) has been done at a higher level (Government to Government) and it should be.

A joint commitment to an agreed suppression strategy for all outbreaks of fires is required along with an agreed and documented and well rehearsed joint team management approach, including a pre-chosen Incident management Team(s) for the incident(s). For example is there an agreement of total suppression (as distinct from letting a fire run for a while) of any fire within 50 kms (?) of the border? Who takes initial responsibility for that suppression? Should the ACT have a devoted helicopter attack crew and helicopter for the catchment itself, in addition to its current helicopter fleet in summer?

There are many more questions to be posed and scenarios worked through until we can be confident that there is clarity in respect of the fire management of the catchment, and the land adjacent to it.

Closing Remarks

Investing in emergency services is like house insurance or medical insurance, you hope you never have to use it, but you are grateful to have it when you do.

Managing Fire and Emergency Services is very complex, it goes without saying. Outside of the day to day there is climate change with increased fire frequency, terrorism with increased alerts and potential attacks, increased housing density with access issues, major outbreaks of disease (such as bird flu) with major business and social implications, to name a few developments of late that require incredible amounts planning and preparation for events that ultimately may not even occur.

It takes considerable long-term vision and significant long-term commitment (particularly financially) by governments to begin to address and prepare for the myriad of potential emergency situations that the ACT may face in the future.

However, just as in 2003, when they do occur (and they will) and the Emergency Services are not adequately prepared, have not adequately planned and cannot adequately respond then major disasters result and the finger pointing and blame starts all over again.