

# The Stretton Group

## Inaugural Oration

by

**Phil Cheney**

**“The Green Inferno”**

**(The Politics of Bushfires and Conservation)**

**Thursday 25<sup>th</sup> November, 2004**

### About the Speaker:

*Mr Phil Cheney of CSIRO is one of Australia's foremost bushfire experts. Mr Cheney enjoys wide international recognition for his research into environmental management, bushfire studies and their interaction with the urban lifestyle. He is currently an expert witness into the ACT Coronial Inquiry into the 2003 Bushfire Crisis in the Australian Capital Territory.*

# Stretton Group

The Stretton Group is an apolitical, not-for-profit group established in December 2003 following the disastrous south east Australian bushfire crisis in 2002/3. The Stretton Group comprises a disparate association of volunteers who support the protection of the natural environment through greater transparency of the public sector processes involved. Named after the respected Royal Commissioner into 1939 Victorian Bushfires, Justice Leonard Stretton, the group proposes that government managed national parks and forests should be provided with a balance sheet value which encapsulates the environmental, cultural and economic value of these assets.

The Stretton Group is committed to ensuring that our intergenerational responsibility is met by Governments committing appropriate funding to the maintenance of this public property - commensurate with its asset value. The Group advocates the preparation and publication of performance indicators which enable the public to assess the quality of the management being provided to the natural environment. This would bring publicly owned wilderness into line with reporting required for hospitals, schools and other public institutions. The Stretton Group is committed to ensuring that the public debate about conservation is conducted on a balanced and informed basis – which may often disturb political myths or common preconceptions about the present quality of environmental preservation.

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## **Members of the Stretton Group:**

**Simon Paton** is a 5<sup>th</sup> generation farmer and cattle breeder from Callaghans Creek, Mitta Mitta and owns and operates the Bogong Ski-Hire centre at Mt Beauty. Simon has been a major spokesman for NE Victorian communities affected by the bushfires and is a campaigner for community involvement conservation and forest management. **(Tel: 03 5754 4555)**

**Peter Attiwill**, PhD, BScFor, AssocDipFor, is Principal Fellow in Botany, and Senior Fellow, The Australian Centre, The University of Melbourne. He has researched in eucalypt ecology over 40 years, with a concentration on soils and nutrient cycles, and on bushfires and ecosystem recovery. He has published extensively in the international journals, and his latest book is *Ecology: An Australian Perspective* (co-editor BA Wilson, Oxford University Press 2003). **(Tel: 03 9870 3034)**

**Athol Hodgson**, BScFor, AssocDipFor, has more than 50 years experience in fire management and forest fire research in Australia, USA, Canada, France and Spain. He was formerly Commissioner for Forests, and then Chief Fire Officer, Department of Conservation. He was a Member of the Board of the Country Fire Authority and a Member of the State Disaster Committee and is a graduate from the National Advanced Fire Behaviour School, Marana, Arizona. **(Tel: 03 9580 4964)**

**Bill Middleton**, OAM, DipFor, has some 50 years experience in management of forests, of nurseries and of vegetation habitat in rural areas and he is an Honorary Life Member of Birds Australia. He was Supervisor of the innovative Potter Farmland Plan for ecologically-sustainable agriculture, and a Board Associate for the Trust for Nature. **(Tel: 03 5254 2332)**

**David Packham**, OAM, MAppSci, worked for 40 years in bushfire research with CSIRO, Monash University and the Australian Emergency Management Institute. He was responsible for fire-weather services in the Bureau of Meteorology. His extensive research concentrated on the physics of bushfires, and he applied this research to practical issues including the development of aerial prescribed burning, non-evacuation of properties, modelling of fire behaviour, and forensics. **(Tel: 0409 982 205)**

**Stewart McArthur** MA Cantab, has been the Federal Member for Corangamite since 1984 and was previously a farmer and company director. He was an active member of the all-party House of Representatives Select Committee Inquiry into the 2003 Australian Bushfires whose report *A Nation Charred: Inquiry into the Recent Australian Bushfires* was tabled on Wednesday 5 November 2003. **(Tel: 03 5243 8766)**

**Tony Cutcliffe** *MCommLaw* is a Director of the community forum and consultancy, The Eureka Project. He authored the 2002 report on regional Victoria, entitled *A Listening Act*; and in 2003 he wrote *A Case of Burning Neglect* regarding the performance of public sector agencies during the 2003 bushfire crisis. Tony was a member of the current Victorian Premier's Infrastructure Planning Council and a PhD candidate in Social Science at RMIT. **(Tel: 03 9617 0317)**

# The Green Inferno

## Do we really want to minimise Disaster fires?

*Presentation to the Stretton Group by N P Cheney, 25 November, 2004 in Melbourne*

I see I've been given the title "THE GREEN INFERNO – The politics of Bushfires and Conservation". What I really want to talk about is the responsibility of governments and their agencies to manage their land and thereby play a leading role in protecting the community from bushfire. Perhaps it will turn out to be the same thing.

There are many technical reasons why land management agencies have a responsibility, both in law and in practice, to undertake fire management including prevention, hazard reduction, suppression, and education of the community.

Quite simply, if you are in the business of land management in this country, fire and its consequences are part and parcel of that management. However, in recent years managers of both public and private land have become increasingly reluctant to accept his responsibility and face up to the considerable cost.

The problem is by no means new. And since this is the Stretton group I will quote Judge Stretton, writing in the report of the Royal Commission to inquire into the 1939 bushfires: -

*"There is one fundamental policy of fire prevention and of protection against fire. There is only one basis upon which that policy can safely rest, namely, the full recognition by each person or department who has dominion over the right to enter the forests of the paramount duty to safeguard the property and the rights of others. No person or department can be allowed to use the forest in such a way as to create a state of danger to others.*

*If conformity to this rule cannot be brought about, the offender must be put out of the forest, or, in the case of a public department its authority curtailed, or enlarged so that the rule may be enforced, or voluntarily observed as the case may require."*

This may seem as though Stretton was having an each way bet. He wasn't! The managers of forest land, be they government or private, have a clear responsibility to protect the community from fire emerging from their land. If they cannot do this, they must either be replaced by someone who can, or be given sufficient funding to do the job properly.

Stretton went on the point out that government agencies should not rely on the bushfire brigades to put out the fire because their activities only started after the fire had started

and they had no authority to carry out any pre-emptive action. The land manager on the other hand had many options available to him.

Nor is the problem limited to Australia – it is worldwide. Even the remote territory of Yukon, Canada is facing similar problems in that land owners/managers are becoming more reliant on the government suppression agencies, and are not contributing to the protection of the wider community.

I will come later to the problems that have arisen out of the rapid expansion of conservation reserves in the last 25 years. However, this is a problem that is far wider, and "land management agencies" actually includes anybody that manages land including private citizens, forestry companies, agricultural companies, catchment authorities, absentee landholders and government forestry and Park authorities. Each has a core business and fire affects that business in different ways.

The basic thesis is simple enough -- if you own the fuel you own the fire.

Fire is not the rampant “red steer” of poets and legal precedent.

Fire needs fuel. And fuel determines how far and fast it will travel; how difficult it will be to round up and stop; and how much havoc and destruction will be wrought if the beast enters your property. So it is not just the landholder on whose property the fire starts that is responsible for the damage. All landholders affected contribute to both the spread and damage by the way they manage the fuel on their land.

You own the fuel – you own the fire!

But in reality it's not that simple - because depending on both the fuel and the weather there comes a point when no matter what has been done, fire will be uncontrollable and will spread and do damage beyond the land tenure on which it originated. This then brings in the concept of reasonableness.

I don't think anybody can argue with the common law proposition that the landholders should take "all reasonable steps" to prevent fire starting on their property escaping and doing damage to others. This proposition has in it, inherently, the concept that under certain conditions fire will burn and spread in a way that nothing can be done about it. And it rolls off the tongue easily doesn't it, "take all reasonable steps".

But what are "reasonable steps"? They obviously differ between land managers and their capacity to invest in systems to protect their asset, and incidentally, their capacity to pay for the damage done to others.

Reasonable steps for a grazier might be to put in firebreaks, purchase his own fire unit and join up with a rural fire brigade for mutual cooperation. But what about the hobby farmer who owns a 5, 50, or 100 hectare block? Is it good enough for him simply to pay the fees to the rural fire brigade and rely on the people at home or who work in the area to

do the fire fighting for him? After all, he has a job and in the city and it is unreasonable to be on call to respond whenever fire might happen breakout - or is it?

And what about the absentee landholder who has thousands of hectares of land set aside as an investment, and living far away or even overseas? What are his responsibilities to manage fire on his land and take all reasonable steps? Both of the latter groups are do not earn a living from land and therefore wildfire does not constitute a threat to their income. The worst they can lose are their assets and these can be insured and relatively easily replaced. Perhaps it is reasonable for the absentee owner to compartment his property and make it available for local brigades to undertake hot fire training in prescribed burning and suppression.

“Reasonable steps” for the government land managers of native forest in the past were to establish a network of roads and fire trails, install detection and communications systems, train and equip firefighters to undertake rapid initial attack, and develop management systems to coordinate the control of large wildfires. These were all in place before the Australian Interagency Incident Management system was introduced to effect efficient coordination between agencies.

Most State forestry departments accepted the responsibility for fire suppression as part of their business even though this responsibility was, in some States, not binding on the crown. They understood the role that fire played as a threat to their business and pioneered both the research and the operational management that was required to minimise this threat.

They at least recognised that in many areas, fuel management was a “reasonable step” that could be integrated within their business.

They took heed of Stretton's words and recognised that fire in the forests was a threat to the wider community and depending on location and the resources available, classified the land as receiving intensive or extensive protection. They also recognised that there was land of low value to forestry, where resources were too sparse or too distant to be effective, and classified the land as unprotected. Suppression was undertaken when it threatened assets of value. However, being classified unprotected land this enabled the neighbour, who had assets to protect, to undertake burning-off and take suppression action himself whenever he saw fit.

Fire protection is expensive, and forestry agencies with limited budgets attempted to provide a cost-effective balance between preparation and suppression with the introduction of fuel management by prescribed burning. By and large they were not given credit by government for protection of the wider community and were criticized when expenditure on fire protection extended beyond the forest boundary.

They were also not given credit for managing land for multiple uses where by the money earned from timber production contributed to management for conservation, water production and recreation. What an anathema for the economic rationalist.

Forestry has been a convenient whipping boy for governments attracted by the votes of the green revolution. The land grab for conservation reserves provided the opportunity to place management over much of the formerly "unprotected land" but it was not accompanied by the funding needed to implement management. Instead government took the opportunity to reduce expenditure on fire protection by their land management agencies.

Politically it was far more attractive to foster the emergency service industry, demonize fire, and ignore its role as a natural factor of our environment and bathe in the public relations kudos of new red trucks and large helicopters.

Then when the shit hit the fan, as it inevitably would, the politicians and their executives could hide behind the tabards and the tunics of the volunteers.

Production forestry has been placed into government run business corporations, even though timber production was only one of the objectives under multiple use management, or sold off to private enterprise. Now expenditure of money on aspects of forest protection that primarily concern protecting the community is no longer seen as part of the forestry business.

Today we see forestry companies not including the full cost of fire management as part of the business. As one manager of a Tasmanian forestry company with international assets told me: - "We are not going to spend money on fire management, and particularly fuel management, because if management in this country is too expensive we will simply acquire our timber offshore. As in other businesses they could take advantage of operating in other countries where the labour costs are lower, and more importantly the fire climate is benign, and ignore their obligations to the Australian community.

Even worse, today we have the rise of the forest investment companies planting huge areas of blue gums with almost no capacity for undertaking effective suppression. Far more cost-effective to hire a friendly consultant to say that blue gums don't burn and don't pose any threat to the community, and provide only a token effort to the rural fire services by providing industry brigades. When they do sustain major losses, and they will, they can always say that weather were conditions well beyond anything that allowed safe and effective firefighting and bad luck for the investors – it was after all a speculative investment.

I have no problem with the proposition that fuel management by prescribed burning or other means cannot be totally applied to an industrial forest enterprise or any other enterprise for that matter. However, if the company is to fulfill its obligation to the community then it is the responsibility of that business enterprise to provide a suppression force which is equipped and capable of effective fire fighting in the fuels they have fostered when conditions are less than extreme. They should not be allowed to bludge on the governments emergency funding, volunteers, and the wider community, to do their job for them.

Much is known about fire behaviour in different fuel types and of our capacity for suppression. Basic firefighting principles have not changed:

- Forest fire must be controlled by a bare-earth fire line, burned-out, mopped-up and patrolled for at least three days before the onset of extreme fire weather.
- Fire is easiest to suppress when it is small by fast concentrated initial attack.
- Initial attack will have a better chance of succeeding if it is undertaken by people who have been trained and are skilled in techniques that are appropriate to the fuel being burnt.
- Fuel reduction makes firefighting safer and easier and extends the window of weather conditions under which effective firefighting can be conducted.
- Heavy earth moving equipment is essential for direct firefighting in forest fuel if the fire exceeds the few hectares.

Much is also known about the nature of fire and its impact on the biota. To our native plants and animals fire is not just a destructive force that kills but is an ecological process that influences flowering and regeneration, habitat and has shaped the flora and fauna of this country. The requirements of different communities range from needing fire every year through almost every combination of frequency and intensity to no fire at all.

However in managing fire for conservation it is important to realise the fire doesn't care what it burns. The ecology doesn't care! Whatever the regime, some suite of plants and animals will thrive in it.

We should care and government agencies should care. If we are to truly manage for biodiversity we need to be able to apply the regimes that are required to create the environment that will achieve our objectives. Priorities will need to be set that align conservation with other objectives including, optimizing our water resources, recreation and protection of the wider community.

This is why fire management and suppression must be the responsibility of the land manager. Because they, and only they are in the position to know the hazards of their fuels, the fuel reduction strategies needed to protect their assets, both built and natural, the suppression techniques that will be most effective and, how to implement these techniques.

Fire management of conservation areas may be more complex than for production forestry, but this only means that fire management and fire suppression skills have to be more sophisticated. Management for biodiversity in the future will need to involve intervention and manipulation. It will need to use fire, and will require more sophisticated burning prescriptions than those currently in use.

These prescriptions for will need to be developed from both fundamental and operations research. They will not come from the Cooperative Research Centre. Don't get me wrong. As someone who has battled for research dollars for 30 years I do welcome this initiative but there are no magic bullets and anyway 99% of all research is incremental.

Most land management agencies don't have the resources to apply the knowledge we have today. Government needs to invest in fire management so that the agencies can employ fire scientists trained in the CRC, train them in fire management and fire suppression and then develop the operational procedures that are applicable to specific fuel types in their area.

To fulfill their responsibilities to the community, the land management agencies will need to establish and just how difficult fire suppression is in different fuel types and develop the skills in fuel management to reduce the risk of high-intensity fire both to their own firefighters and to the wider community.

They need to demonstrate what are "all reasonable steps".

The first step is for the Chief Executive of each land management agency to take full responsibility for fire on their land.

The next step is to remove the layers of bureaucracy between the chief executive and the fire management staff. We must remove the conflict that arises because of divided responsibility for policy, fire suppression and fuel management. We must remove those advisory bodies that have no responsibility for fire control but whose influence can make fire management particularly onerous or even unworkable.

By all means seek advice and expertise from all areas including the bearded bush-walker and the coffee-table conservationist. However, as has been demonstrated in fire suppression, real progress in fire management is made when the executives of the organisation accept the responsibility to set an objective and put in place an expert team to ensure the knowledge is available to achieve that objective.

And of course there will be need for co-operation with emergency service organisations to control some fires. But if volunteer firefighters are expected to work in heavy or unfamiliar forest fuels, the agency has a duty of care to those volunteers to train them in the appropriate firefighting techniques for those fuels. Otherwise, the manager has to accept the techniques that the volunteer is familiar with, which in some cases may be retiring to the grassland interface and burning out all the intervening country.

Today I believe that our capacity for fire management in forest land is going backwards. We need land management agencies to set a clear direction and develop the fire management systems that are needed for the future without fear or favour. Above all, we must be honest about our capacity to deal with fire and work with the community to

ensure that everybody has taken “all reasonable steps” to reduce the impact of wildfires on their property.

The 2003 fire season demonstrated just where we are placed with fire management. Governments, State, Territorial and Federal did not address the problems they had created for land managers but rather they accepted the convenient deception that the conditions were so bad that nothing could be done about it.

True, some States set up enquiries, but none of these included people with experience with fire management on forested land. Rather, they were conducted by people with a background in emergency service and academics in ecology but with no experience in applying fire for ecological purposes. Not one senior land management executive was called to explain why they had adopted policies that limited their resources so that they were incapable of suppressing even small fires over 10 days of benign weather.

The one judicial enquiry that was established is currently in limbo because the government does not like the evidence presented by the experts selected to advise the coroner. This must indicate perceived bias on the part of the coronial team – even though not one expert in forest fire management has been called to challenge their opinions.

On this note let me finish with one final quote on dealing with government:

*"The truth was hard to find. Accordingly, it was sometimes sought in other places as I am entitled to do. Much of the evidence was coloured. Much of it was quite false. Little of it was wholly truthful. Some people were afraid that if they gave evidence they would not be given future employment. Departmental officers were, in the main, youngish men of very good character who were afraid that if they were too outspoken, their future advancement in the departments employ would be endangered".*

Not a recent quote, but again one from Leonard B Stretton, 65 years ago, which has a contemporary and decidedly unhealthy ring about it.

#### Reference

Stretton L.B. (1939) The report of the Royal Commission to inquire into the causes of and measures taken to prevent the bushfires of January, 1939, and to protect life and property. Government Printer, Melbourne 36pp.