

# TRANSCRIPT

## STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

### **Inquiry into fire season preparedness**

Melbourne — 6 September 2016

#### Members

Mr David Davis — Chair	Ms Samantha Dunn
Ms Harriet Shing — Deputy Chair	Mr Khalil Eideh
Ms Melina Bath	Mr Cesar Melhem
Mr Richard Dalla-Riva	Mr Daniel Young

#### Participating Members

Mr Greg Barber	Mr James Purcell
Mr Jeff Bourman	Mr Simon Ramsay
Ms Colleen Hartland	

#### Staff

Acting Secretary: Mr Joel Hallinan  
Research Assistant: Ms Annemarie Burt

#### Witness

Mr Tony Pearce (sworn), Inspector-General for Emergency Management.

**The CHAIR** — I declare open the hearing of the environment and planning committee with respect to its inquiry into bushfire preparedness, and I note that information you provide here will be protected by parliamentary privilege. If you repeat the same outside, it may not. Tony, if you could begin with a short statement, then we will follow with questions.

**Mr PEARCE** — Certainly. I do not actually have a statement as such in relation specifically to the terms of reference, but I thought it might be valuable just to give you a bit of an understanding of our office and the role of our office, it being a recently new entity. We are effectively a product of the *Victorian Emergency Management Reform — White Paper* of December 2012. Between December 2012 and 1 July 2014, the processes were developed, and legislation was enabled on 1 July 2014 that created my office, the emergency management commissioner, Emergency Management Victoria and the State Crisis and Resilience Council.

The objectives in legislation for my office are to provide assurance to government and the community regarding the effectiveness of the emergency management arrangements in Victoria, and the second one is to foster continuous improvement of those arrangements. We do that through a number of mechanisms. There are really, I guess, two specific functions. One of those relates to monitoring — both performance and implementation monitoring.

In a performance monitoring sense, we are responsible for monitoring the non-financial performance of the Emergency Services Telecommunications Authority, who you spoke to this morning, with regard to their adherence to the performance standards that they are obliged to with the agencies. So that is on the performance side, and we have a team who are very specifically involved in that. And because that involves investigations in the pure sense, those staff are actually trained investigators and use a root cause analysis process et cetera to go through that process. A number of our review or inquiry reports end up in the Coroners Court and inform the coroner based on some of their investigations.

On the implementation monitoring side, we are responsible for monitoring the implementation of all recommendations from reviews and inquiries that have been accepted by government. So Justice Teague was mentioning this morning about this new capacity to ensure that they do not just sit on the shelf and never actually get implemented anymore. That is my function and the function of my office, to make sure that they actually are implemented, and that process is evidence based.

**The CHAIR** — And you report on that.

**Mr PEARCE** — So there is no capacity there for agencies to just simply tell me something and we accept that; we actually require to see the physical evidence of the progress against those recommendations. Our current monitoring activities include Hazelwood, both the 2014 inquiry and the new 15–16 inquiry reports. We are just finalising the royal commission inquiry recommendations. We have got one from 2013–14 in East Gippsland, when there were significant fires down there, and 86 actions came out of those, along with quite a number of others.

On the other side of the coin we are responsible for conducting reviews and inquiries as well. We had in legislation a requirement to have what is called an annual forward plan of reviews, where with the sector we identify system-level issues where we believe that if we were to invest our time and effort in conducting those reviews and making recommendations, there would be a benefit to the community and to government agencies in actually accepting those recommendations. So we do those. We average three a year, depending on how our year is travelling.

The other type of review that we do is the one that normally impacts on whether we get three of the planned ones done and is where the government has something they specifically want us to look at. So the review of performance targets for bushfire management on public land was one of those such inquiries that we did last year, and also the review into the initial response to Wye River was the second one that was more recent. So those are examples of ministerial requests — that we have to do.

**The CHAIR** — Can I thank you for your initial evidence. Can I just step back a bit; you are appointed under what act?

**Mr PEARCE** — The Public Administration Act, part 3.

**The CHAIR** — And that is a statutory role. How does that — —

**Mr PEARCE** — Yes. It is a statutory role in that it is part 7 of the Emergency Management Act, but it is not a statutory appointment as such. So it is a Public Administration Act appointment.

**The CHAIR** — So the Secretary of the Department of Premier and Cabinet is your boss?

**Mr PEARCE** — No, the Secretary of the Department of Justice and Regulation.

**The CHAIR** — Justice and regulation is your boss and appoints you?

**Mr PEARCE** — Yes, that is right.

**The CHAIR** — On what sort of length of arrangement?

**Mr PEARCE** — It is a current five-year contract.

**The CHAIR** — A five-year contract. I am interested in your review of the preparatory burning and related matters. It is a question I have asked a number of people around the history of, in a sense, inadequate back-burning or preparatory burning in the 90s and 2000s and the current shift towards a more targeted burning. What can you tell us about your review as to what light it can shed on that matter?

**Mr PEARCE** — I think it was actually interesting listening to Justice Teague this morning, because I actually, as part of that review process, consulted fairly heavily with him, obviously, being that there was potential at least that we may come up with some different views on where the royal commission had landed seven years ago, or six years ago. When I spoke to Justice Teague his comments to me at the time were, with the benefit of six years and the benefit of advances in technology, access to science, or better science, and better research — other studies that had been conducted — he believes that, again, so long as you can actually show some evidence of the fact that these things would work that that was a better approach to take.

The process that we undertook was not just one of the inspector-general, me personally, having an opinion on what should or should not happen with regard to the burning. I am not sure whether you have actually read the report or not, but if you have, you would see that there was a significant amount of consultation that included not only practitioners, but it included the expert reference group that Justice Teague referred to this morning, which was Neil Burrows, who chaired that expert reference group for the royal commission, as well as academics, scientists, climate change practitioners and international studies in relation to fuel reduction burning. It was all of that plus analysing the current process, or the advanced processes, that the Department of Environment, Land, Water and Planning have now implemented with Phoenix RapidFire et cetera and their risk modelling capacity that they have. Bringing all of that together suggested strongly that the better approach to fuel reduction burning into the future was one that was risk based rather than just simply hectare target based.

But I think it is really important to understand that for some reason when we called for public submissions there were 127 submissions. There were three camps. There was one minor camp — a small camp — in the middle, which was the pragmatic one that said, ‘Let’s look at the science and let’s look at the academia and the other evidence that would support an assertion you might arrive at’. And then there was the left side of the camp that said, ‘Burn everything east to west of the state to ensure that there is no fire risk’. And then there was the environmental side that said, ‘Don’t burn anything because you’re destroying the environment’ et cetera. But when you pulled all of that together, along with the evidence that we had from science, academics and the policy options analysis that we had done through RMIT University, it was absolutely clear to me that the risk-based approach was the best approach to take, but that did not preclude broad-based burning or hectare-based burning, because people talk about mosaic burning and reference specific — —

**The CHAIR** — They may actually be trying to achieve slightly different things.

**Mr PEARCE** — Well, from our perspective, no. The idea is not trying to achieve different things. It might be that in some cases you actually need to conduct quite broadscale hectares — large numbers of hectares — in open land to reduce risk on populations where you would then also do some — —

**Ms SHING** — So they are not incompatible?

**Mr PEARCE** — No, not at all. In fact, Justice Teague I think said this morning that his reference was about that it is not necessarily a one or the other. From our perspective this report is not saying it is a one or the other. What we are saying is that risks should always drive the decision-making. Good, solid risk analysis should drive the decision-making, but then after that you might do large numbers of hectares, and you might even target large numbers of hectares and announce those numbers, but you would do that after you have actually understood what the risk is that you are going to mitigate and you can describe that and engage with communities to explain what the outcome is to be.

**The CHAIR** — So I get the theory, but the point I have made at a number of hearings is: having lived through that period in the 90s and 2000s, everyone got a big wake-up call and the finger was pointed for nearly two decades at a series of bureaucrats — faceless bureaucrats.

**Mr PEARCE** — There is a face on this one.

**Ms SHING** — There is a face to all of them. No disrespect intended.

**The CHAIR** — And the conclusion, I think, of many across country Victoria was that that burning had not been done. It is never convenient to do burning, and Mr Teague made that point —

**Mr PEARCE** — Yes, absolutely.

**The CHAIR** — that it is crops and, you know, weather —

**Mr PEARCE** — Absolutely.

**The CHAIR** — and all manner of things. So without that pressure to keep up the volume, how do we know that some of those faceless bureaucrats will not slip into their old ways again?

**Mr PEARCE** — Fortunately I know them all so I can put faces to them, but I guess — —

**The CHAIR** — I know many of them too and I have a high regard for them, but I also know that the arrogant — —

**Ms SHING** — That is good to clarify, that there is no disrespect intended there, Chair.

**Mr PEARCE** — Yes. I understand what you are saying. From my perspective, two things I suppose. I would never try to give you a 100 per cent guarantee and sit here and say, ‘As I sit here now I can guarantee you that you will not have bureaucrats or others who will apply an approach that you may not consider is meeting the intent of this policy’, for example.

**The CHAIR** — It is 10 years hence when we all wake up and the volume has not been done.

**Mr PEARCE** — Well, I guess until you get to 10 years hence you are not going to know whether that is the case, but the point that I would make from — —

**The CHAIR** — You will when the fire starts.

**Mr PEARCE** — No, I understand that. But what I am saying, Chair, is that I understand why you are asking what you are asking with history as well, but it is speculative in that we are not 10 years into the future so you do not know that is going to happen. I can say to you now with the best evidence that I have available to me and the process that we have gone through and the work that we have done — —

**The CHAIR** — So the point I am making is this: I understand that it is not in the future yet, but there is a past that actually makes us cautious.

**Mr PEARCE** — Yes, absolutely.

**The CHAIR** — And in that context how do you ensure that those risk-based analyses are not weakened to suit the immediate time cycle where there are undoubted inconveniences?

**Mr PEARCE** — I guess again from my office's perspective and from a policy perspective, as you would be well aware from *Safer together*, because I have heard you reference it a number of times already, *Safer together* is effectively the government response to this report and outlines exactly how things are to be done, and it also apportions responsibility to me and my office to actually monitor the implementation of the process, which we are doing now. So we have to report annually to the current minister for environment in relation to the progress of *Safer together*, as well as some other activities post Lancefield.

**The CHAIR** — I am quite serious about this —

**Mr PEARCE** — No, I understand.

**The CHAIR** — because I do not want to wake up in 10 years and find out we have got a big fire problem built up. And annual reports, to be honest, do not quite get there, because there is always, as there were in the 90s, 'Oh, it was a bad year, it was a difficult year', this, that, the other. There was any number of excuses that would pass the risk-based test if put out, but at the end of the day if the volume was not done we ran into trouble.

**Mr PEARCE** — No, that is right. Of course you are coming from the perspective that the volume approach was the right approach, and it may well be that the practice and the evidence of the time show —

**The CHAIR** — In 2003 and 2006 and 2009.

**Mr PEARCE** — that it actually was impossible to reach the types of targets you were talking about. Now, even Justice Teague himself said the 5 per cent target, and even though others said 8, was a pluck, and it was a pluck based on the best available advice he could get at the time from practitioners and from academics and scientists. The approach that we are taking and that we have recommended to government now is not a pluck. It is an approach that has been recommended based on the science, based on the practitioners, including those who advised the royal commission about the best way forward. As I said, it does not preclude there being a hectare target built into that, but the hectare target should not come before the analysis of risk and the outcomes that you want to actually see achieved.

**Ms SHING** — Thanks, Mr Pearce, for your opening remarks and for answering questions before this inquiry today. In your initial contribution you referred to the level of oversight that you have in relation to the interoperability of various agencies and bodies and the way that they go about a risk-based approach, and determining in various circumstances and by reference to different technologies and circumstances what an appropriate level of fuel reduction or removal is in the context of any given season.

We have had evidence today from ESTA that the number of calls has gone up significantly and that that goes way beyond population growth. We have also had evidence before this inquiry that population growth in and of itself is creating significant changes to the way in which modelling and Phoenix and other sorts of thinking and deployment of resources goes to make sure that those peri-urban areas, as well as areas around regional centres, are protected to the best possible capacity. That would then mean that you would need to demonstrate a level of, I suppose, dexterity in your plan for performance and implementation of all of the different inquiries which are static as at a point in time.

**Mr PEARCE** — Yes, that is right.

**Ms SHING** — How do you go about doing that when the topography does not change but the circumstances around climate change and changes to ambient temperatures and seasonal changes are factors in these terms of reference, as well as population growth and the interface between public and private land? How do you do that in a forward planning sense when, again just to refer what you said to the Chair in answer to him, there is an element of speculation, because we do not know what is going to happen 10 years hence because we are not there yet?

**Mr PEARCE** — Part of the responsibility that we have is also in regard to considering the effectiveness of recommendations. So, as you said, the important thing about recommendations, of course, is that they are just a moment in time, and therefore once you start moving forward they may not be relevant or the relevance may change. However, the intent, from our perspective, is always very important. So again, as I said, when I went and spoke to Justice Teague as part of this process I wanted to make absolutely sure that I fully understood the

intent of the recommendations that the commission made at the time. Even though it seemed to make sense to the average person on the street, I wanted to make sure that I thoroughly understood the intent, because if I were satisfied, which I obviously was, that that intent was valid, then I wanted to make sure that any recommendation we made did not detract from the original intent. So that was the first thing.

The effectiveness of recommendations is important because the monitoring is over such an extended period of time for some things. We are just about to close off, as I said, for example, the royal commission, so we are talking six years down the track post that event. Hazelwood will go on at least till 2019. Along the way there will be a number of recommendations that for the reasons you have mentioned and others, if you continue to implement them in the same way as you started, may not actually continue to meet the original intent of the recommendation that was made. So we actually review as a part of our monitoring process. We have ongoing dialogue with agencies, with others, with the entities that make recommendations about that intent to ensure that the work that is going on now has not been impacted potentially by something in the environment — no matter what that might be.

We also spent a lot of time working with agencies, explaining to them that if they come back to us with evidence relating to a particular recommendation that does not necessarily appear to be absolutely relevant to the recommendation itself — if they can actually justify to us why they were off track and why they have changed the course and how that continues to meet the intent — then provided the evidence is sound, my analysis is going to be a positive response in relation to the report, saying in effect that the intent of the recommendations is still being met but, because of these environmental changes or whatever, the way in which the recommendation is being implemented has changed as well.

**Ms SHING** — How, to pick up what you have just given in your answer, do we bring communities along in that conversation? Because *Safer together* prioritises the nature of positive, proactive engagement with communities and having them be part of that conversation, particularly on areas that about public land, where fuel management is a very real concern and we have often got tenure issues — and tenure-blind fuel reduction is a very big issue in regional Victoria — how do we make sure that agencies are in fact all working to that same common goal despite the variations in the types of communities with which they may be working?

**Mr PEARCE** — We engage directly with communities. We do that face to face with people on the ground living in the communities that have been affected by emergencies.

**Ms SHING** — Via the agencies, or do you that off your — —

**Mr PEARCE** — No, we do — —

**Ms SHING** — Self-initiated?

**Mr PEARCE** — Yes, absolutely. We do it ourselves, so, for example, we have spent the last two years working directly with three communities in East Gippsland — Bonang, Goongerah and Glenaladale — in relation to the fires that they had a couple of years ago, where I have annually been, physically going up and sitting down with those communities and walking through the process of our reports, the evidence that we have gathered, trying to give them the opportunity to actually understand why I said what I have said, and it makes sense and it is evidence-based, rather than being a shiny backside bureaucrat, for example, who is simply going up there touting it because it is his job. We have done the same with Hume following the Kalkallo fire, the same with Wye River — —

**Ms SHING** — Have they ever caused you to revisit your thinking on anything in the course of that consultation? Is that a two-way process insofar as the way it might inform your own processes?

**Mr PEARCE** — Not so much, I guess, the pure process of evidence gathering, analysis and review and so on, but it certainly has had a significant influence at times in relation to our understanding of how communities are not necessarily well engaged by government more broadly and government agencies more broadly — and East Gippsland was probably the best example of the communities who were able to impress that on me. As a result of that, DELWP, I would say, is one of those departments that have come so far in the last couple of years, because the first time I went to East Gippsland the community assessment of DELWP and their capacity to engage with communities and their involvement in communities was probably the worst I have ever heard.

**Ms SHING** — Very, very dim views out in East Gippsland, yes.

**Mr PEARCE** — Absolutely. The change over two years in that now is now marked; it is a massive change. They have still got a way to go. But the same issues apply to other agencies, including CFA. If I, in my work, discover things in relation to one agency, I will then go and talk to others. So, for example, I have spoken to CFA about what we have found in East Gippsland, with the approval of DELWP, saying, ‘Look, are you happy for me to talk about this with them?’, because the issues are the same. From a community perspective they are pretty well the same. They may have their technical issues about fire and so on, but as far as engagement goes they are almost the same and the statements from communities are almost the same.

**Ms SHING** — And a final question, if I may: do you think that as a consequence of the work that you have done to directly engage with communities and to have that oversight role in relation to implementation, the way in which we respond to major emergencies, including fire, is somewhat better, better, about the same? Not to sound like your optometrist there — —

**Mr PEARCE** — No. I think if you were to have a look, if you have not already — our website has all of our reports; we publish everything. So the Wye River review is a good example, I guess. I added an addendum. The back of that report was not within the terms of reference of what was asked for by government, but I thought it would have been a travesty not to acknowledge all that has happened over the last two years that was applicable in regard to the response to Wye River but effectively emanated from the East Gippsland fires in 2013–14, because all of those improvements are almost legacies of the work that has been done from the East Gippsland fires onwards. Hence that is why we added that at the back end. That will give you a bit of a feel for just how far we have come, I think, in the last two years, at least whilst our office has been open.

**Ms SHING** — So continuous improvement goes on?

**Mr PEARCE** — Absolutely, yes; I have got no doubt. Again Justice Teague said there will always be individuals who will have views of the world and will go about things in certain ways, and organisations, depending on their make-up, will always approach things in certain ways, but I think as a general statement the sector has come a long way since 2009 and particularly in the last couple of years.

**Ms SHING** — Do you think we are ready to tackle this year’s fire season?

**Mr PEARCE** — As best as I can see, we are.

**Ms SHING** — Thank you very much, Mr Pearce.

**Mr MELHEM** — What would you say is the major obstacle you will have in front of you as inspector-general now to make sure all our agencies are working together and are able to report to governments about making sure we are ready to face an emergency situation — i.e., the next bushfire season? So what are the obstacles in your view which are preventing you from achieving the optimum outcome?

**Mr PEARCE** — I actually do not have any obstacles at the moment. If I take you back to day one when we started, the biggest obstacle I thought I was going to have — —

I guess I was probably lucky in that I am someone who was appointed who has a long history in the emergency management sector, particularly in the state, so I know the organisations well and I know the individuals well. But when you all of a sudden put an assurance entity into a space where there has never been one before and organisations realise that they are going to be looked at and they are going to be analysed, you could probably expect that there would be some level of discomfort with that and probably a degree of pushback.

There was reference earlier today, and I have heard it from a couple of people talking about culture. If there is one thing about the emergency management sector and the agencies within it, they are very strong cultures. They are built over a long, long period of time, and anyone, including me, who thinks you can just knock them over in 5 minutes is kidding themselves. So my earlier cautious thoughts were that I could probably take quite some time to be able to bring the agencies along with us and get them to understand the benefit that we provide not only to the community but also to them in enabling them with the recommendations we make to better do what they do. To my pleasure — I had a few issues in the early days, I guess, but nothing too significant — we have been able to get them to where they are in a relationship sense, and all agencies now work very positively and very constructively with us. We do not get push back. We do not have problems gathering the evidence that

we require, and when we go back and say, ‘Sorry, that’s not good enough. We need more’ or ‘We need something different’, we get it. So at the moment — touch wood — I do not see any blockers.

**Mr MELHEM** — So the argy-bargy about the CFA and various EBA negotiations and industrial issues would have no real material impact on the day-to-day stuff?

**Mr PEARCE** — No. Certainly not on the way that we do our work. It is not for me to have a professional view, I guess, but a personal view would be, having seen many enterprise agreements come and go over the years — and there has always been some level of conjecture about them, good, bad or otherwise — the agencies have always continued to provide the services that they have. There has been nothing that I have seen yet that has caused me to sit back and think that we are in a lot of trouble this coming fire season. But that is just based on what I see and what I hear; I am not involved intimately in the deliberations or otherwise.

**Mr MELHEM** — I am not asking you to. The challenges basically pre the EBA negotiations, for example, and the CFA and post, that is really about the same, are they not?

**Mr PEARCE** — Yes.

**Mr MELHEM** — There is not a huge difference. The challenge has always been there.

**Mr PEARCE** — Yes. Certainly from where I sit.

**Mr MELHEM** — Thank you.

**Mr RAMSAY** — I just want to briefly touch on the allocation of resources. The member for Ripon, Louise Staley, has been strongly advocating for the retention of the sky crane to remain at Ballarat, whereas I understand this season it is going to be held at Moorabbin. I note your quote in your Wye River report, which I was interested in given I partook in that fire response, and know the UFU were not involved in that — there was no need for the UFU to be involved in that fire, thankfully.

**Ms SHING** — Thankfully?

**Mr RAMSAY** — Yes, thankfully.

**Ms SHING** — You are not indicating any bias there, Mr Ramsay, are you?

**Mr RAMSAY** — The question, Tony, I would like to pose to you is that there has been some criticism of the bushfire response to that particular fire along Jamiesons Track. You would be familiar with this —

**Mr PEARCE** — Absolutely.

**Mr RAMSAY** — because on 19 December, if you remember, there was a strategy that took place in rather a fallback position of control lines rather than direct attack. My question would be: if we had a sky crane or a large aircraft that was able to direct attack that very small fire on the 19th, we would not have lost 116 houses. No loss of life, granted, thankfully also, but certainly the fire might not have spread as quickly as it did and cause the sort of damage it did from property and economic loss. A lot of the towns — Lorne and others — had huge economic losses due to that fire. Now, with new introduced planning requirements, most of those houses cannot be rebuilt in those same areas again, which is a broken promise by the then minister, Lisa Neville, that said no planning changes would occur to stop people being able to rebuild under the planning scheme. I know that is not your issue, but the allocation of resources is, so can you respond to that?

**Mr PEARCE** — I can respond to say the allocation of resources is not IGEM’s business. The emergency management commissioner and the fire agencies themselves are responsible for the allocation of resources. We do not have any operational role whatsoever.

**The CHAIR** — You get to investigate after when something goes badly wrong.

**Mr PEARCE** — For example, the Wye River investigation was one where government asked us specifically to look at the initial attack. Of course as part of that process the aerial resources and everything were included as part of the review. But on a day-to-day basis we would have no position on where resources are placed, how they are utilised or otherwise. That is an operational agency decision; it is not an IGEM decision.



**Mr RAMSAY** — Did you not in that review process make some commentary — and I have not read the full report, I must say — that in fact a direct attack on the 19th may well have — —

**Mr PEARCE** — No.

**Mr RAMSAY** — You had not?

**Mr PEARCE** — No.

**Mr RAMSAY** — Or in fact if you had sky crane or another aircraft close by, rather than stuck in Melbourne, you might have had a better result in containing the fire initially?

**Mr PEARCE** — No, I did not. When you do read the review, you will find that the commentary that I made was that, based on the terrain, the environment, the conditions and the resources available at that time, the resources that were applied to that fire, including aerial resources, were the appropriate ones. If you read the report, you will see further — —

**Mr RAMSAY** — I have read some.

**Mr PEARCE** — Right. I have been very specific about why particular aerial resources were the appropriate ones versus other ones, so I would refer you to that report.

**Mr RAMSAY** — Having said that, Chair, Roy Moriarty, the captain of the Wye River CFA, did a fantastic job, as did the 500 firefighters from DELWP and the other associated agencies.

**Mr YOUNG** — Thank you for coming in today.

**Mr PEARCE** — That is all right.

**Mr YOUNG** — I have just been looking through the interim progress report for the Lancefield fires and the report that came out of that. There are a couple of things that I just wanted to touch on as far as your recommendations and commitments. First of all, could you just please explain to us what the difference is between a recommendation and a commitment?

**Mr PEARCE** — Yes. If we make a recommendation, that is exactly what it is. If it is accepted, there is an obligation then for that to be delivered. A commitment is actually something that the agency or whoever, in addition to the recommendations we have made, might suggest that they think is an appropriate additional activity, so therefore they will make a commitment that they will undertake that. We would then subsume that commitment and monitoring of that implementation in the same way as we would recommendations to the end, to ensure that it is done. They are not obliged to make any commitments at all. Anything they do with regard to commitments is in addition to anything we have suggested.

**Mr YOUNG** — Okay. In relation to recommendations 20 and 21, they seem to me to be mostly about communication, and particularly with stakeholders outside the areas where this incident occurred. It has been suggested to us by previous people who have submitted and given evidence at these hearings that there is a bit of a lack of communication with private landholders. It is indicated here that we are on track as far as improving our communication with those people. Can you just elaborate on how we are on track and what we are actually doing to engage with those private landholders-stakeholders outside of those areas?

**Mr PEARCE** — The commentary I will give you will be on recollection of what we have done over the past period of time, what we have seen recognising that there are actually specific staff members who actually do the detailed monitoring of each of the recommendations. The engagement with those landholders again is not dissimilar to the issues that occurred down in East Gippsland. It is the same sort of thing about DELWP. Of course in Lancefield it is specific to DELWP, but I guess you could say it probably applies more broadly, in some cases anyway. But is about not enough dialogue with communities about planning fuel burns —, when they will occur, how they will be conducted, where they are being conducted, over what time frame, what the potential risks are that have been identified about that — and then seeking the community's involvement themselves to assist the agency before they actually finally write up their burning plan to see if there is anything else that comes from within local knowledge or otherwise of that community that should be considered as part of that risk analysis process before they start getting on with it.

So it is not necessarily about communication in regard to, 'Oh, this fire has occurred' or 'Our burn has broken off and has got away'. It is more about the dialogue with communities in the lead-up to and involvement in the planning process itself so at the end of the day when burns are conducted the community, including the private landholders, should all be very aware of exactly what is happening, why it is happening, when it is happening and what the intended outcome is. The processes that DELWP have put in place, and agencies that are working with DELWP, such as Parks et cetera, are all consistent with ensuring that that dialogue is actually happening. As I said, whilst I have not seen it physically at Lancefield, we have seen the process that is actually in place for it, because the burns did not go ahead just because of the weather conditions there. But in East Gippsland we have actually seen those responses applied on the ground leading up to the burning season this year, so we know it has happened.

**Mr YOUNG** — One of the commitments here is to look for opportunities to make firewood that is produced during fire response and fuel management operations available to local communities. Being a commitment, as you said, that was something that you would monitor over a period of time or in future reports. By asking this question I hope that maybe it is something you have looked into already. Would you be looking at other examples where firewood is collected out of, say, public lands and places like that to see what impact that has had to relate to a commitment here to increase that?

**Mr PEARCE** — Yes, when we monitor recommendations resulting from inquiries and so on, very often it is almost impossible to monitor them within the environment in which the initial event occurred. So for East Gippsland, for example, acquitting the 86 actions that were agreed following the East Gippsland fires, in my satisfying those communities that those actions have actually been implemented and are successfully functioning as actions, I had to actually do that in other parts of the state and then take that evidence back and show the community how they are now statewide policies and we have physically seen it happen here, even though they may not have seen them applied in their community yet.

The same applies with monitoring those sorts of commitments and recommendations there. Yes, we would look at other practices around the state, but the issue, of course, with firewood is, as I understand, that there is not just one party who has an impact on whether or not firewood can or cannot be collected. So whilst you might have the public land agency side, you have also got local government and others who have a say in whether or not firewood can or cannot be collected, when it can be collected and so on. The issue of consistency across the state is a bit difficult, but if it is connected to that area we can certainly monitor it in that area to see if they are actually meeting the commitment and doing what they said they would do.

**Ms DUNN** — Thank you for your submission today. In terms of your role in assessing and evaluating recommendations and the progress on that, you use an evidence-based model. I am just wondering how the entity taps into the appropriate expertise, skills and knowledge base in order to give that particular evidence-based evaluation.

**Mr PEARCE** — Every review that we do — and you will see there are, I think, three published on our website at the moment, and we are conducting another three this year that will be complete by the end of the year — has a scientific body or an academic body or otherwise that has very specific subject matter expertise in the area that we are talking about that will do some work for us in relation to that. My staff are a mix of researchers, analysts and emergency service workers, including land management agency workers, but they are only as contemporary as the last time they were out in the field, so therefore, whilst from an evaluation and review process sense they are very, very good at what they do, we also know that in order for our recommendations to be taken seriously and our monitoring of ongoing recommendations to be taken seriously we need to be sure that we engage with contemporary scientific and academic people and practitioners in the field relative to the work that we do. Everything that we do is underpinned and validated by one or more entities that have expertise in that space.

**Ms DUNN** — That is great; thank you. In terms of implementation of recommendations — and this is a broad question — to your mind are there any risks in terms of seeing those recommendations implemented and what might those risks look like?

**Mr PEARCE** — I think the only risk at the end of the day goes back maybe to the dialogue we were having before about the fact that over the period of time that you are implementing some of these things there are so many environmental changes that occur that if you are not attuned to those and if you are not monitoring those as well, then by blindly simply going ahead and implementing a recommendation and actions with that, because

it was set six years ago that it should happen, it places you at great risk. From that perspective I think that is probably the biggest risk. So long as you are sure that your monitoring is still meeting the intent with which the recommendation was made initially, I think you can avoid those risks to a certain extent.

**Ms BATH** — It was basically around that line of questioning that I was interested in as well. I think it is important that when you stand up and say, ‘We are an authority’ and ‘We have credibility’ that you have the type of staff that you employ, because I think that is a very important role. On that basis, I do not think I have any questions for you today.

**Ms SHING** — Do you have any statements, Ms Bath?

**Ms BATH** — Not as many as some, Deputy Chair.

**The CHAIR** — I have a final question. I will be very brief. I wanted to ask that broader question first at the start, but there is a specific question about Wye River. You came back with a very swift report. I am not sure of the number of hours, but about two days or three days, and I am just happy to have a response on this. It seems to me that your position inside the department, in a sense answerable to the secretary, or at risk of being answerable to the secretary, may not leave you with the level of independence that you might need.

**Mr PEARCE** — I think, to your first part, there was an assertion made by an organisation — —

**The CHAIR** — Mr Marshall.

**Mr PEARCE** — I am just saying there was an assertion made by an organisation, Chair.

**The CHAIR** — I am happy to read the — —

**Mr PEARCE** — Okay, well, that is who it was. That is exactly what had happened — that we had been asked to do this review and that we had come back with a finding in two days. That was absolute rubbish. That is not what happened at all. We were asked to commence the review on — I cannot remember the exact date but it is in the report because we have actually got the letter of request in there. I said that I would go back with an interim finding by 2 February, I think it was, from memory, which I did — —

**The CHAIR** — So how long was that after?

**Mr PEARCE** — I cannot remember. The 16th of February, I think it was. So I think it was three weeks after or thereabouts.

**The CHAIR** — That is very quick.

**Mr PEARCE** — No, where this creative piece occurred was that I went to Wye River and spent two days on the ground and in the air with the DELWP crews and others and completely walked and drove the complete perimeter of that fire. Part of the reason for doing that was to look specifically at a whole range of things but very particularly to try and — —

**The CHAIR** — See it while it was fresh.

**Mr PEARCE** — Not only that, but to see if I could clearly understand from what had been described to be about where the breakaway had actually occurred on the 25th — so the specific point at which the breakaway occurred. I then went back to the minister’s office, and it just so happened that that was the same day that I was to hand the interim report to the minister. So because I had been in Wye River for two days, and then at the end of that two days it was the same day that I was to hand the interim report to the minister, what was creatively said was that I had taken two days from when I had actually started the inquiry to when I handed my report up, which is actually wrong. I handed my interim report up three weeks or so later, after we had started the report, but it just so happened it was the end of a two-day period of me having physically been on the ground again. So it was some creative interpretation of the interim report, and again the interim report was not cited as being that, it was claimed that it was my final report, which of course it was not. The final report was delivered sometime later.

**The CHAIR** — So to the more central problem of being a bureaucrat, in a sense, in the department, does that cause any trouble with the independence that you need? I mean, can you criticise the department, for example, or does that put you at risk?

**Mr PEARCE** — No, it does not. It has been an issue that has been raised by a number of parties, including the UFU, the national foresters association, and Justice Teague himself as part of the Hazelwood inquiry when we were starting the implementation and monitoring. He raised it as a concern about the potential for my office to be influenced by the bureaucracy — —

**Ms SHING** — Or a perception, as I understand it.

**Mr PEARCE** — A perception; that is exactly right.

**The CHAIR** — Or either, yes.

**Mr PEARCE** — And my response has always been to that that I guess you could never say that pressure would not be applied, but it has not been. We have had, in the time that I have been in office now, both parties in government and there has never been any influence either from a government minister or from a bureaucrat in the department to do anything but just simply deliver a report on whatever it is we have been asked to do. So we have never had that problem. I do not see it as an issue. However, there are a number who do. I believe there have been some discussions going on in recent times about how that may or may not be addressed, but that will not be for me to decide.

**The CHAIR** — In conclusion, you do not see it as an issue, and you would not be afraid to pull any punches with the government of the day?

**Mr PEARCE** — No, absolutely not. Not a problem at all.

**The CHAIR** — Thank you very much. We appreciate your evidence.

**Witness withdrew.**