



PARLIAMENT OF VICTORIA
Legislative Council
Environment and Planning Committee

**Inquiry into fire season
preparedness**
Interim Report

Parliament of Victoria
Environment and Planning Committee

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Committee functions

The Environment and Planning Committee (Legislation and References) is established under the Legislative Council Standing Orders Chapter 23 – Council Committees and Sessional Orders.

The committee's functions are to inquire into and report on any proposal, matter or thing concerned with the arts, environment and planning the use, development and protection of land.

The Environment and Planning Committee (References) may inquire into, hold public hearings, consider and report on other matters that are relevant to its functions.

The Environment and Planning Committee (Legislation) may inquire into, hold public hearings, consider and report on any Bills or draft Bills referred by the Legislative Council, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an Act, provided these are relevant to its functions.

Government Department allocated for oversight:

- Department of the Environment, Land, Water and Planning

Committee membership



Hon David Davis MLC
Chair
Southern Metropolitan



Ms Harriet Shing MLC
Deputy Chair
Eastern Victoria



Ms Melina Bath MLC
Eastern Victoria



Hon Richard Dalla-Riva MLC
Eastern Metropolitan



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Eastern Metropolitan



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Mr Cesar Melhem MLC
Western Metropolitan



Mr Daniel Young MLC
Northern Victoria

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Northern Metropolitan



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Eastern Victoria



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Mr James Purcell MLC
Western Victoria



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Committee staff

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Mr Joel Hallinan, Acting Secretary (to 12 September 2016)

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This report is available on the Committee's website.

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Chair's foreword

The Standing Committee on Environment and Planning's Inquiry into Fire Season Preparedness is a critical inquiry that relates to the safety of the Victorian community.

As Chair of the Standing Committee on the Environment and Planning, I wrote to the President of the Legislative Council on 30 August 2016, 25 October 2016 and 5 December 2016 regarding Legislative Council Standing Committees resourcing.

I can say it is my view that the resourcing of Parliamentary committees is second only to the functioning of the Legislative Assembly and Legislative Council themselves and that Parliamentary officials and the Government need to accord a higher priority to the critical scrutiny role of Legislative Council committees in particular.

Individual Joint Committees have an allocation of 3 full time Staff, plus the option of additional research/expert assistance. The three Legislative Council Standing Committees have an allocation of one full time staff member each and share 4.6 other staff members on a needs basis. No additional staff are available.

The Standing Committee on the Environment and Planning currently has four live references:

- Inquiry into Rate Capping Policy
- Inquiry into the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016
- Inquiry into Fire Season Preparedness
- Inquiry into the Owners Corporations Amendment (Short-Stay Accommodation) Bill 2016.

The Committee's inquiry into Fire Season Preparedness has held many hearings in Melbourne as well as a number of hearings around Victoria, including Wodonga, Euroa, Morwell and Bairnsdale with a variety of issues raised:

- The potential impact of the CFA enterprise bargaining agreement on volunteer firefighters;
- Changes to the approach to preventative burning practices and their potential impact;
- The impact of current preventative burning practices on communities, local ecology and the size and intensity of bushfires;
- Possible alternatives to current preventative burning practices;
- The co-ordination and management systems in place to mitigate the effect of bushfires; and

- Whether the resources being made available to fire and other emergency services and communities is adequate to protect the Victorian community from the potential catastrophic impact of major bushfires.

I note the presence at many of these hearings of departmental and Country Fire Authority officials.

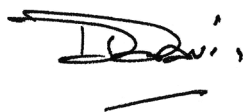
There is no need for officials to await formal recommendations from this inquiry. They are at liberty to take action to address identified weaknesses and deficiencies in fire season preparedness prior to the tabling of the Committee's final report.

The Committee subpoenaed a number of witnesses, particularly in relation to the CFA dispute and its relationship to fire season preparedness. These subpoenas were necessary to compel the appearance of key witnesses, some of whom felt that a subpoena would protect them from any government derived litigation. Others were actually seeking to avoid appearance before our committee. Some cancelled appearances at the last minute. Those subpoenaed included:

- Mr David Hamilton, President, United Firefighters Union
- Mr Peter Marshall, National and Victorian Secretary, United Firefighters Union
- Ms Lucinda Nolan, Former Chief Executive Officer, Country Fire Authority
- Mr Joe Buffone, Former Chief Officer, Country Fire Authority
- Mr Jim Higgins, Metropolitan Fire and Emergency Services Board, Chief Executive Officer

Nothing could be more important than guaranteeing the safety of the Victorian community, particularly our rural and regional communities. I remain concerned that our bushfire response and consequently community safety may be weakened by trade union inspired power plays. The Committee's final report will deliver a comprehensive report on fire season preparedness including issues surrounding the CFA UFU dispute, the State Government's role and critical issues on preparatory burning and other issues.

I want to thank the many submitters to the Committee either in written form or through appearance at hearings. The Committee itself has worked cooperatively over this reporting period and I place on record my thanks to my fellow Committee members, the staff at Hansard for faithfully transcribing the proceeding of hearings and the hard working Committee staff, particularly Secretary Michael Baker, and former Secretaries Keir Delaney and Joel Hallinan and Research Assistants Anthony Walsh, Annemarie Burt and Michelle Kurrle.



Hon David Davis MLC
Chair

Interim Report

On 3 May 2016 the Committee resolved to undertake an inquiry as a self-reference on the preparation and planning for fire seasons in Victoria. Specifically, the terms of reference adopted were:

That pursuant to sessional order 6 —

1. the Environment and Planning Standing Committee inquire into and report on the preparation and planning for fire seasons by the Department of Environment, Land, Water and Planning and its agencies, including Parks Victoria and, in particular —
 - a. the amount and nature of preventative burning undertaken to date;
 - b. the measures in place to ensure preventative burning is undertaken safely
 - c. the effectiveness of preventative burns in achieving community safety
 - d. the impact of preventative burns on threatened species
 - e. the impact of preventative burns on ecological vegetation classes
 - f. the impact of preventative burns on the climate
 - g. the targeting of preventative measures statewide;
 - h. the resources available to ensure that adequate preparation is undertaken;
 - i. the coordination of such planning and preparation with other departments and agencies across government;
 - j. the nature and level of emergency response;
 - k. the relevant administrative and organisational structures in place within the department and with other relevant government departments and agencies; and
 - l. the impact of land tenure on the ability to provide fire prevention activities and the differences between types of land tenure such as national park, state forest, regional park and others.
2. the Committee is to consider annual reports tabled by the Department of Environment, Land, Water and Planning and its agencies, including Parks Victoria, and any other relevant matter as determined by the committee;
3. the Committee may present an interim report to the Legislative Council and may present further reports as necessary;
4. the Committee is to commence the inquiry in May 2016 and present its final report to the Legislative Council no later than 8 December 2016.

The Committee has since been gathering evidence through submissions and hearings as part of its Inquiry into Fire Season Preparedness. The transcripts of the public hearings are available on the inquiry website at: www.parliament.vic.gov.au/epc.

The Committee received 84 submissions and held public hearings in Melbourne and regional Victoria. The hearings were held on:

- 7 July 2016
- 19 July 2016
- 20-21 July 2016
- 2-3 August 2016
- 16 August 2016
- 17 August 2016
- 30 August 2016
- 31 August 2016
- 6 September 2016
- 14 September 2016
- 26-27 September 2016
- 29 September 2016
- 18 October 2016
- 26 October 2016

As a result of additional inquiries being referred to the Committee by the Legislative Council, on 25 October 2016 the Committee advised the House that it had resolved to extend its reporting date for the Fires Season Preparedness inquiry until 5 April 2017.

The Committee made this decision for two reasons. Firstly, references for inquiries from the Legislative Council take precedence over those that are self-referenced by the Committee. The Committee now has three inquiries referred by the House as well as its self-referenced inquiry and as its resources do not allow it to adequately undertake such a number of inquiries concurrently, it was decided to delay the tabling date for the Fire Season Preparedness inquiry.

In the Committee's view, it is more important that the inquiry is thorough and considered and takes into account all of the views expressed during the extensive public hearings than it is for the Committee to meet a particular deadline.

It is the Committee's view that resourcing as allocated for this, and indeed other inquiries, has not been sufficient to acquit the obligations arising under each reference and that this may adversely impact upon the timely completion of reports to the level of detail, including technical detail, required. Having made a request to the President during the previous reporting period seeking additional resources to assist with its heavy workload, the Committee wrote a further

three letters to the President during this reporting period seeking resourcing commensurate with the work being referred to the Committee by the House. To date, no additional resources have been provided.

This is particularly relevant to this inquiry as the Standing Orders of the Legislative Council require a Government Response to recommendations within 6 months of the report being tabled. As the original tabling date for the inquiry was 8 December, there was unlikely to be any response until the middle of 2017. This would therefore make the recommendations not relevant to this fire season (2016-17), but to the next (2017-18) anyway.

It was therefore considered of more value to delay the reporting date to enable the Committee to carefully review and consider the evidence and to provide the Parliament with a substantial and detailed report.

No consideration in detail of the issues raised during the inquiry will be undertaken in this interim report. However, some of the issues that will be addressed in the Committee's Report in April include:

- The potential impact of the CFA enterprise bargaining agreement on volunteer firefighters;
- Changes to the approach to preventative burning practices and their potential impact;
- The impact of current preventative burning practices on communities, local ecology and the size and intensity of bushfires;
- Possible alternatives to current preventative burning practices;
- The co-ordination and management systems in place to mitigate the effect of bushfires; and
- Whether the resources being made available to fire and other emergency services and communities is adequate to protect the Victorian community from the potential catastrophic impact of major bushfires.

