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Rural Fire Brigades Association Queensland Submission to the 2018 Queensland Bushfires Review.

The 2018 / 2019 fire season started in late July 2018 and while Townsville is flooding in February 2019 and the North West is facing a catastrophe that is seen once in a generation; brigades in the lower half of the state are still out defending their communities from fire with a Wildfire Alert Level of 3; the second highest level.

During this protracted and very intense fire season, the vast majority of firefighting and frontline community defence activities were provided by Rural Fire Brigades that are made up exclusively of volunteers.

As the fire season deepened and the fires became more ferocious and resource intense, brigade volunteer firefighters never wavered in responding to defend the Queensland community in its time of need.

The finest example of this are the yellow trucks that drove from one end of Queensland to the other to combat fire and are again on the move to help restore Townsville as part of a massive combined recovery effort.

The RFBAQ submission will not solely concentrate on operations or the firefighting efforts; as the 1,440 Rural Fire Brigades that defend 93% of Queensland demonstrated again that the capacity of the largest response and recovery organisation in the state is enormous and that the ethos of rural fire which is neighbour helping neighbour is alive and well.

The RFBAQ submission will focus on the reason why the fires were so intense this season and the operating and authorising environments that contributed to the intensity of the fire season.

The focus will not be on the war, rather the road that led to war.

You own the fuel / you own the fire – State Land

Brigades and the QFES exist to support landholders meet their legal and moral obligations - Brigades and QFES own no land.

The largest landholder in the state is the State of Queensland:

Federal Government freehold	0.2%	
Freehold	30.66%	
Pastoral Holdings	38.82%	
Queensland Government*	30.32%	* Assorted tenures
Local Gov	?	

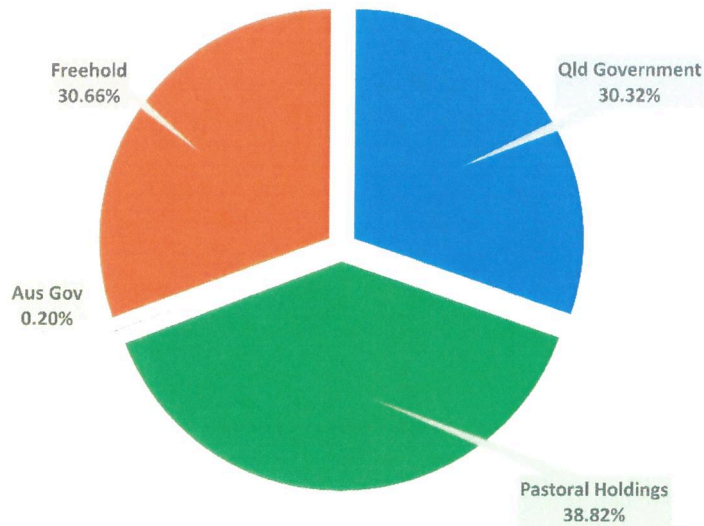
The RFBAQ wrote to the Department of the Prime Minister and Cabinet 21 January 2019 requesting Federal Government land ownership in Queensland. A reply was received 4 February 2019 through Department of Finance indicating 0.2 percent of land in Queensland is owned freehold by the Commonwealth.

On the same day a request was placed with the Queensland Government Department of Natural Resources, Mines & Energy. The RFBAQ was immediately supplied with a full break-down of the state, which indicated 30.66 percent Freehold land (less Federal-owned land), 38.82 percent Pastoral Holdings, with the remaining 30.32 percent State-owned tenures.

A request was put to Local Government Association Queensland (also 21 January 2019) to identify what percentage of land was owned and managed by local councils. A reply received 6 February 2019 stated that "no land register tracks local government land ownership".



Queensland Land Ownership



The State, like any other landholder has an obligation to manage fuel loads and fire on their land.

Section 67 of the FESA Act 1990 states - *Occupier to extinguish fire Where a fire is burning on any land and the lighting of the fire is not authorised by or under this or any other Act, the occupier of the land, immediately upon becoming aware of the fire (regardless of who lit it)—*
(a) must take all reasonable steps to extinguish or control the fire; and
(b) must, as soon as is practicable, report the existence and location of the fire to a fire officer, an officer of a rural fire brigade, a member of an emergency service unit, a chief fire warden or fire warden, a forest officer (within the meaning of the Forestry Act 1959), a conservation officer within the meaning of the Nature Conservation Act 1992 or a police officer. Maximum penalty—50 penalty units or 6 months imprisonment.

Brigades and landholders have been vocal for years regarding how the State of Queensland has not on balance been meeting its legal obligations in managing the land and how the State has not appropriately funded the various landholding departments with the frontline staff necessary to actively manage the fuel loads before fire season. This has seen brigades across the state on numerous occasions fight prolonged fires on State land where the state has limited or no firefighting capacity due to budget constraints.

Many brigades also believe that Rural Fire and the QFES are being used as a source of free labour by some departments to manage their fire risk.

In this matter the State must make one of two choices to meet its legislative requirements.

RECOMMENDATION: Adequately fund the departments with frontline land management staff and firefighting capacity.

or

RECOMMENDATION: Dispose of State land down to what the current frontline firefighting capacity and active land management can support.

Permits for Fires in State Forests

The RFBAQ would see that in the FESA Act 1990 section 66 Fires in State forests etc. be withdrawn in line with recommendation 45 of the Malone Review 2013. The Malone Review found through wide consultation that - *Volunteers raised concern during the consultation process that too many wildfires were starting on Government owned land due to a lack of controlled burning on that land and policies in relation to mitigation burns were sometimes not carried out, resulting in adjoining properties being put at risk.*



The removal of the exemption for the issuing of permits in State Forests, National Parks and reserves will mean that Government agencies in charge of land will require a permit to light a fire, just like every other Queensland landholder.

This will allow for the speedier issuing of permits, a right of redress to a Chief Fire Warden and would also ensure consistency in the permit to burn process across Queensland.

RECOMMENDATION: Withdraw Section 66 from the FESA Act 1990 .

RECOMMENDATION: All fire permits to come under the QFES Permit to Burn process.

Lack of active management and support by the QFES

FESA Act 1990 section 69 Requisition by commissioner to reduce fire risk

(1) The commissioner may require any occupier of premises to take measures for the purpose of reducing the risk of a fire occurring on the premises or reducing potential danger to persons, property or the environment in the event of a fire occurring on the premises

As the section of the Act above clearly states, the QFES already has more than enough legislative ability to demand that landholders reduce their fuel loads and to take necessary action should the landholder not comply with direction.

Again the Malone Review identified this in 2013 with Recommendation 48: That on all land where fuel load creates a fire risk, the owner shall be responsible for the construction and maintenance of effective firebreaks. Failure to provide effective and accessible firebreaks will result in the cost of firebreak construction to control a wildfire on this land being debited to the land owner.

Responsibility for fire preparedness must sit with the landowner.

In the majority of public meetings there was frustration from Brigade members at the number of landowners who had no fire breaks. This was particularly a common theme in south-east Queensland and coastal areas.

Unfortunately when fighting fires where there is no obvious landowner and a decision to cut a fire break is made by a Brigade, it is often that Brigade which will bear the cost of its construction. The onus must be placed back on the landowner to have fire preparations in place before they are needed.

There needs to be stricter provisions in legislation requiring landholders to manage the risk of fire on their properties through the appropriate construction and maintenance of fire breaks. If they do not correctly maintain their property and require assistance in managing a fire that breaks out on their land the cost of constructing emergency fire breaks should be debited to them.

The construction of fire breaks on properties should be conducted in consultation with the local fire brigade and Fire Warden.

Section 69 is not a matter of adding extra legislative empowerment, rather adding organisational will.

An added level of internal complexity for the QFES is a lack of knowledge in land management techniques and practices within the compliance & prosecutions section of QFES, as this section's core business has been Fire & Rescue building compliance.

What is a lack of legislative empowerment is the lack of a definition of what is "The Responsibility of the Landholder" which is not defined by the Act. The introduction of a legislative starting point would also allow the QFES to direct reduction of the fuel load in identified unsafe areas.



The cornerstone of land management in Queensland is if you own the fuel, you own the fire. Retention of this right and responsibility empowers landholders, ensures local needs are met using local practices and prohibits the creating of mega-response-departments focused on firefighting as opposed to fire lighting.

RECOMMENDATION: Ensure that the existing RFSQ Office of Bushfire Mitigation actively engages with RFSQ Bushfire Safety Officers and Area Inspectors in enforcing section 69 of the FESA Act for areas already identified as high risk to communities regardless of land title.

RECOMMENDATION: Add a section to the FESA Act defining “The Responsibility of the Landholder”.

RECOMMENDATION: That RFSQ actively inform the public regarding fire risk and penalties of not managing risk and for burning on days of fire ban.

Place Based Decision Making by Local Community

The management of the Mackay fires is an interesting demonstration of place based, community minded decision making.

All the fires were managed directly by brigade volunteers at local Incident Controls, supported by the QFES co-ordination centre in Mackay

The Cathu/Bloomsbury fire burnt 45,000ha over 10 days and was managed by Bloomsbury Rural Fire Brigade and Andromache Rural Fire Brigade 1st Officers.

The Finch Hatton fire was managed by Brigade Officers from Mt Blackwood Rural Fire Brigade.

The Eungella fire was managed by the RFBAQ Rep / 1st Officer of Seaforth District Rural Fire Brigade supported by Mt Blackwood Rural Fire Brigade 1st Officer. These fires combined were 121,000ha.

The Blue Mountains fire at 26,000ha was managed by a Primary Producer Brigade with some appliances and the Carmila fire, 65,000ha over 24 days was managed by the local 1st Officer.

Local knowledge with place based decision making has been proven the most effective way to manage incidents. The competent, non-resource hungry way that these very large and complex fires were fought and won demonstrates how resilient communities can manage extraordinary incidents locally.

One learning from the Mackay fires was the amount of energy expended in bringing in and facilitating interstate resources when there was a surplus of local brigade volunteers whose need was for a few extra fire trucks for the duration of the fires.

The closer to local that you can run an incident the smoother it will run as people use local knowledge and have an understanding of how fire has previously moved through the district.

Place based decision making includes the responsibility to their community for what happens once the fire has passed.

The Mackay fires have gone largely unnoticed as they were well managed fires run by local volunteers making decisions based on their local knowledge.

The RFBAQ would see the FESA Act 1990 reflect the command and control relationship between the three distinct services and provide a platform that allows for place based real-time decision making, the empowerment of local knowledge and a recognition of service specific professionalism in command and control.



This would discontinue the current ambiguities within the FESA Act 1990, such as how section 83 Powers of first officer states -

(1) Where, pursuant to notification given under section 82(2), a rural fire brigade is in charge of operations for controlling and extinguishing a fire, the first officer of the brigade has, for that purpose—

*(a) the powers of an authorised fire officer, subject to any limitation imposed by the commissioner; and
(b) the control and direction of any person (including any fire officer) whose services are available at the fire.*

This section would allow for the local brigade to command and control a local fire using local knowledge and be supported by the QFES and Fire and Rescue fire officers; yet subordinate internal departmental directives are not consistent with the legislation and see control at many bushfires being taken away from those with the local knowledge of fire behaviour and local fire history.

The RFBAQ submission to the QFES Legislative Review that is currently underway is heavily based on empowering locals to make decisions that affect their communities. The legislative review will have a large community consultation component to ensure that any proposals for clarification or amendments to command and control are in the best interest of the communities. Any proposed legislative change must travel through Parliament which is also a forum for potential amendment.

Place based decision making is also an understanding that the majority of fires are started by people, on balance by accident, but still by people.

When the population increases there is a commensurate increase in the number of bushfires. For a fire service to see that an increasing population in areas will see a commensurate reduction in volunteer Rural Fire Brigades is illogical, expensive and diminishes the capacity of the state to defend itself.

RECOMMENDATION: Clear workable legislation that allows for place based decision making by the local primary service supplier. (in example - Rural Fire Brigade at a bushfire, Fire & Rescue Station at a building fire, State Emergency Service Group at a flood boat activation)

RECOMMENDATION: Retention of Incident Control at the incident.

RECOMMENDATION: Resourcing requests driven from Incident Control.

Financial Contribution by State

Rural Fire Brigades in Queensland are unincorporated associations with a great deal of local autonomy that allow local brigades to reflect local community needs. This has given rise to both financial prudence with brigade money and a very low cost model that defends 93% of Queensland.

The Rural Fire Service provides equipment, strategic leadership, policy development, training development and delivery, and business and operational support services to the 1,440 Rural Fire Brigades.

This has allowed Queensland to retain a very low cost model that defends 93% of Queensland for an operational budget of \$38.7 million in the 2018/19 year. To equate this to real dollar terms, the Country Fire Service in South Australia's 2016/17 budget was \$87 million for 13,500 brigade members in 430 brigades.

The total cost of QFES in the 2018/19 budget is \$702.4 million with the majority of that coming from a fire levy that freehold properties pay to the fire service. The State of Queensland makes an annual contribution of 1/7th (14%) the amount raised in the levy to cover fire protection on State Government assets.



The Rural Fire Service Levy Area (E Class levy) raised \$29.3 million in 2017/18 year, the State Contribution of 1/7th (14%) added approximately \$4.2 million. This is a marked decline from the contribution the State made in 2010/11 which was \$13.4 million and in 2011/12, \$13.1 million.

Since the introduction of the E Class Levy across regional Queensland in 2013, the State has reduced the State Contribution towards defending their land assets valued at \$65.7 billion.

Department of Natural Resources, Mines & Energy place a value on Queensland Government owned land (less Pastoral Holdings) at \$65.7 billion.

The QFES Regulation 2011 is the enabler on how the QFES collects the whole of state levy (not the Rural Fire levy many brigades receive from Council).

The current regulation is a hardwired document that links increased funding to increased staffing and has no correlation to community risk or need.

The RFBAQ is aware that a fundamental levy review is currently underway and will work with the QFES closely on their future developed draft to ensure brigades and their communities are no longer disadvantaged due to the current metro-centric regulation.

RECOMMENDATION: Transition to a QFES funding model that is risk and needs based, assessing all landholders including State.

Vegetation Management Act

The RFBAQ wrote to the State Government in March 2017 requesting a revision to or amendment of the Vegetation Management Act and the Sustainable Planning Act relating to landholders being able to provide a defensible space for their homes.

The RFBAQ's position is that the clearing to a maximum up to 1.5 times the height of the tallest vegetation adjacent to the infrastructure, or 20m, whichever is greater does not necessarily provide for a safe space/defensible space from bushfire in coastal heathland/wallum vegetation that is extremely combustible yet not particularly tall. Much of the expansion of housing in south east Queensland is taking place in or near these vegetation types.

The other concern the RFBAQ has is the lack of allowance for the fact that fire travels faster uphill on an increasing scale.

As a general rule, for every 10 degrees of slope, the forward rate of spread of the fire doubles. This equates to a fire that is travelling at 100 meters per hour on flat land increasing to travelling at 400 meters per hour on a slope of 20 degrees.

This fact means that some houses, while meeting the maximum allowable cleared area may not necessarily have a safe space / defensible space from bushfire.

The RFBAQ are cognisant of 'our scope' and in matters relating to commercial or agricultural undertakings that require a greater separation of fuel, we encourage people to contact their individual representative organisations such as AgForce QLD or similar.

Since 2017 the RFBAQ has had 2 field test meetings convened by government to establish the validity of our position, which was proven at both using a new modelling programme developed by the Office of Bushfire Mitigation.



In creating a defensible space, the RFBAQ is seeking to empower landholders to safely have the option to Stay and Defend their properties should they choose to do so. Rural Fire Brigades exist to support landholders manage fire on their own properties; Rural Fire Brigades do not exist so that landholders can completely abrogate their responsibilities in their own safety.

The State Government has not amended the legislation, rather draft changes in the State Planning Policy and other documents that draw their validity from the legislation.

RECOMMENDATION: The State help people defend themselves by changing the Vegetation Management Act.

Managing Review Risks

This bushfire review can be used as a driver for significant change, improvement into land management practices and in improving the authorising environment regarding the use of fire as a tool for community good, just as many other reviews into bushfire have found.

The reason that no bushfire review has been totally successful previously are fourfold -

1. Breaking the research cycle - Have a big event, undertake review, undertake new research, start to implement findings; have a big event.....
~ Undertake to start and complete review implementation in a timely manner without distraction.
2. There is no single, authorised co-ordinating body who understands fire in the environment that will ensure that differing departments, agencies and services with differing drivers and competing budgets have a clear achievable goal and pathway.
~ Introduce into IGEM the role of State Inspector of Bushfire Mitigation with the appropriate land management qualifications and credibility across land tenures.
3. Fire is a force of nature and some days there are more fires than there are fire trucks, no matter how much you spend.
~ Mitigation is paramount to reduce fuel loads prior to the fire season. Acknowledgement by fire and land management agencies and the public that fire is a force of nature and the only part of the fire triangle that can be controlled prior to fire season is mitigation.
4. The Rural Fire Service is constantly in an operational mode and does not have the staffed capacity to support brigades in implementing change, fighting fires, disaster recovery operations, Operation Cool Burn, mitigation activities and general brigade business.
~ Increase staffing capacity of the Rural Fire Service to allow staff to support change in addition to meeting current obligations to the community and brigades.

The Rural Fire Brigades Association Queensland undertakes to support IGEM and its partner agencies in ongoing productive consultation that leads to enhanced community safety from bushfire, embracing placed based decision making using local knowledge and enhancing local community resilience.

Yours faithfully


Justin Choveaux
General Manager

