

General Purpose Standing Committee No. 5

Wambelong fire

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Chair: The Hon. Robert Brown, MLC.

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Terms of reference

That General Purpose Standing Committee No. 5 inquire into and report on the causes and management of the Wambelong fire within and adjacent to the Warrumbungle National Park, in January 2013, and in particular:

1. The Bush fire Management Plan objectives for the affected area
2. The activities of National Parks and Wildlife Service (NPWS) officers in the National Park in the week preceding the fire
3. The significance of a small fire in a camping area within the National Park, and actions taken by NPWS before the declaration of the fire under section 44 of the *Rural Fires Act 1997*
4. Actions taken by NPWS following the ensuing conflagration and timing of the section 44 declaration
5. The extent of property damage within and adjacent to the fire
6. The details and effectiveness of NPWS restoration plans for the National Park and private infrastructure, including the timeliness of communication and assistance offered by NPWS to affected private property owners
7. The details and effectiveness of dispute resolution processes with respect to restitution of private property infrastructure damaged as a result of the fire
8. Any other related matter.

The terms of reference were adopted on 14 November 2013 under the committee's power to make a self-reference.

Committee membership

The Hon Robert Brown MLC	Shooters and Fishers Party	<i>Chair</i>
The Hon Rick Colless MLC	The Nationals	<i>Deputy Chair</i>
The Hon Greg Donnelly MLC	Australian Labor Party	
Dr Mehreen Faruqi MLC	The Greens	
Mr Scot MacDonald MLC	Liberal Party	
The Hon Dr Peter Phelps MLC	Liberal Party	
The Hon Lynda Voltz MLC	Australian Labor Party	

Table of contents

	Chair's foreword	xii
	Executive summary	xiii
	Summary of recommendations	xv
Chapter 1	Introduction	1
	Conduct of the inquiry	1
	Terms of reference	1
	Submissions	1
	Hearings	1
	Site visit and public forum	2
	Coronial inquiry	2
	Report structure	3
Chapter 2	Background	5
	Warrumbungle National Park	5
	National Parks and Wildlife Service	7
	Rural Fire Service	7
	Fire management in New South Wales	8
	Responsibility for fire management in New South Wales	8
	Plans of operations	12
	Classification of a bush fire	14
	Section 44 of the <i>Rural Fires Act 1997</i>	14
	National Parks and Wildlife Service fire management role	15
	Bush fire management plans	15
	Resources	17
	Hazard reduction	17
	Finance and insurance	17
Chapter 3	Sequence of events	19
	Before Saturday 12 January 2013	19
	Saturday 12 January 2013	19
	Sunday 13 January 2013	22
	Monday 28 January 2013	24

	Thursday 21 February 2013	24
Chapter 4	Impacts of the fire	25
	Snapshot	25
	Warrumbungle National Park	26
	Flora and Fauna	27
	Siding Springs Observatory	28
	Tourism	29
	Property owners	29
	Coonabarabran Property Owners Alliance	33
	Insurance	35
	Community	35
	Psychological impact	36
	Financial costs to the public sector	39
	Building community	40
	Committee comment	41
Chapter 5	Hazard reduction prior to the fire	43
	Terminology	43
	High fuel loads	44
	Within Warrumbungle National Park	44
	Fuel load an identified causal factor in other large bush fires	45
	How high fuel loads lead to fire storms	46
	History of landscape burning in Australia and the Warrumbungle National Park	47
	A shift away from bush fire prevention	48
	The ‘burning is harmful’ theory and scientific evidence	48
	Benefits of prescribed burns	49
	National Parks and Wildlife Service responsibility	50
	Other land owners’ responsibility	52
	National Parks and Wildlife Service and Rural Fire Service perspectives	53
	How much prescribed burning has actually occurred in national parks?	54
	Rural Fire Service responsibilities	56
	Hazard reduction within the Warrumbungle National Park	57
	Bush fire management zones	59
	Accountability	61
	Issues considered in the coronial inquiry	62
	Improvements for the future	62
	More burning and clearing	63

	Use of targets	63
	Better regulation and accountability	65
	Community education	66
	National Parks and Wildlife Service intentions for the national park	66
	Committee comment	67
Chapter 6	Other contributing factors	71
	Fire trails and fire breaks	71
	National Parks and Wildlife Service and Rural Fire Service responses	74
	Weather conditions	75
	National Parks and Wildlife Service activities in the week prior to the fire	76
	Signage	76
	Supervision of the closed park	77
	National Parks and Wildlife Service perspective	79
	Committee comment	82
Chapter 7	The initial response	87
	Saturday 12 January 2013	87
	Notification and reconnaissance	87
	Efforts to fight the fire	88
	The strategy for the following morning	95
	Sunday morning, 13 January 2013	100
	Resourcing the strategy	100
	Criticisms of the back burn	105
	Authority over the fire	108
	Timing of the section 44 declaration	108
	Who should have authority?	110
	Notifying the public	113
	Issues considered in the coronial inquiry	116
	National Parks and Wildlife Service and Rural Fire Service perspectives	116
	Committee comment	118
Chapter 8	Management of the fire	125
	Respecting local volunteers	125
	Rural Fire Service perspective	128
	Poor decisions	130
	Leaving the western side of the fire to burn	131
	Protection of Mt Cenn Craich	131

	Property protection	133
	Rural Fire Service perspective	134
	Communication technologies	134
	Rural Fire Service and National Parks and Wildlife Service perspectives	135
	Other matters	136
	Broader issues concerning the Rural Fire Service	137
	Committee comment	139
Chapter 9	Recovery	143
	Restoration of fences	143
	The work of BlazeAid	143
	Negotiations with the National Parks and Wildlife Service	144
	National Parks and Wildlife Service perspective	147
	Essential infrastructure	148
	Insurance	148
	Compensation for property owners	150
	National Parks and Wildlife Service perspective	151
	Rehabilitation of the Warrumbungle National Park	152
	Local government	153
	Reimbursement of council costs	153
	Building regulations	154
	Administration of donations	155
	Recovery centre	156
	Cleaning up	156
	Committee comment	157
Appendix 1	Submissions	161
Appendix 2	Witnesses at hearings	164
Appendix 3	Participants at the public forum	166
Appendix 4	Tabled documents	167
Appendix 5	Answers to questions on notice	168
Appendix 6	<i>Rural Fires Act 1997</i> Section 44	169
Appendix 7	Minutes	170

Appendix 8 Dissenting statements

201

Case studies

Mr Llewelyn and Mrs Fiona Selmes	33
Restoration of fences	145

Figures

Figure 1	Map of the Warrumbungle National Park	6
Figure 2	Warrumbungle National Park NSW RFS Brigade Boundary	9
Figure 3	Bush fire management zones: purpose, objectives and characteristics	13
Figure 4	Shobbrook property before the Wambelong fire	32
Figure 5	Shobbrook property after the Wambelong fire	32
Figure 6	Map of Warrumbungle National Park fire history	58
Figure 7	Warrumbungle National Park bush fire risk management zones	60

Tables

Table 1	Completion rate of hazard reduction works in the Castlereagh Zone	56
Table 2	Coonabarabran Property Owners Alliance: information on members' insurance	149

Chair's foreword

The Wambelong fire of January 2013 burnt out Warrumbungle National Park, destroyed scores of surrounding properties and shattered the lives of many people in the Coonabarabran community. When the committee visited Coonabarabran in September 2014, some 20 months after the fire, we were shocked by the distress that some people were still experiencing.

Our recommendations highlight that the NSW Government must ensure that in future disasters, sufficient support services including those for mental health are provided for an adequate length of time after a fire. The government must now act quickly to enable the people of Coonabarabran to move forward from this awful chapter of their lives.

We believe that the NSW Government has a moral obligation to expedite the process of establishing any legal liability for the losses incurred by property owners as a result of the fire, and in the event that it is found liable, to expedite the process of paying compensation claims.

Perhaps the most important recommendation from this inquiry is that the NSW Government must affirm the authority of the NSW Rural Fire Service to fight bush fires by enshrining in the *NSW Rural Fires Act 1997* the 'interim arrangements' that clarify who has ultimate control of the initial bush fire response. This control sits squarely on the shoulders of the RFS and Fire and Rescue NSW, which must act to fulfil the responsibilities vested in them. The Wambelong fire highlighted that these arrangements were not clear. Had they been, the devastation that followed may not have been so great.

Another very significant message from this inquiry is that it is time for the RFS to pay due respect to the local volunteer fire fighters who put their lives on the line to fight fires, and who know their own country better than anyone. The views and experience of volunteer fire fighters must be duly respected both at the fire front and at the policy table.

I strongly believe that there needs to be an increased commitment to hazard reduction burning as a means of preventing megafires. I also urge readers to read the recommendations of the 2002 NSW Parliament's Joint Select Committee on Bushfires, which among other issues emphasized the critical importance of hazard reduction.

Alongside the devastation of the Wambelong fire, the committee also saw for itself the dignity and resolve of those affected by and involved in the fire. The outpouring of donations and practical support that followed the fire was incredible and the committee congratulates all the individuals and organisations involved. The work of BlazeAid volunteers to restore fences was an amazing example of timely, practical and incredibly valuable support.

On behalf of the committee I express our great appreciation to all those who contributed to this inquiry by sharing their experience, knowledge and views via submissions, hearings, the public forum and our site visits. I also thank each of my committee colleagues for their thoughtful approach to this inquiry, and to the committee secretariat for their professional support, including Stewart Smith, Merrin Thompson, Sarah Dunn, Lynn Race and Angeline Chung.



Hon Robert Brown MLC
Committee Chair

Executive summary

The Wambelong fire broke out in the Warrumbungle National Park near Coonabarabran on 12 January 2013 and burned out of control from around 1.00 pm the following day. Referred to by many as a ‘wildfire’ or ‘megafire’, it burned for 41 days across national park land, private property and other Crown land. While no lives were lost, over 56,000 hectares were scorched; over 95 per cent of the national park was burned; 56 homes were lost; and there were 28 injuries to fire fighters. This inquiry commenced in response to concerns among numerous members of the Coonabarabran and surrounding community that the fire could have been prevented, and that a more effective early response would have contained it and mitigated the desolation that followed.

The committee’s conclusions and 29 recommendations were informed by the invaluable oral and written evidence of a range of stakeholders including many local land owners whose properties were lost, numerous fire fighters, along with representatives of the NSW National Parks and Wildlife Service (NPWS) which initially led the fire response, and the NSW Rural Fire Service (RFS) which took charge of the fire around 11 am Sunday 13 January via a declaration under section 44 of the *Rural Fires Act 1997*.

The committee’s recommendations are focused on improving legislation, policy and fire operations, so as to ensure better prevention of and responses to bush fires in New South Wales. They relate to several broad areas: fire hazard reduction to mitigate the risk of bush fires; early responses to outbreaks by fire fighting authorities; subsequent management of the fire response; and recovery after the fire. The report’s most important recommendations are explained below.

The committee recommends that as a matter of urgency, the interim arrangements established after the Wambelong fire for management of the initial response to bush fires be codified by amending the *Rural Fires Act*. The interim arrangements clarified that the RFS or Fire and Rescue NSW have ultimate responsibility for all bush fires regardless of tenure, are responsible for the appointment of incident controllers, and for keeping the public informed.

The committee was alarmed by participants’ descriptions of the high fuel load in the Warrumbungle National Park prior to the fire, and reports that parts of the park had not been burned in several decades. We believe that a greater effort is needed to systematically reduce fuel loads across the state, and recommend that the NSW Government commit to and fund a long term program of prescribed burning based on the recommendation of the 2009 Victorian Bushfires Royal Commission for an annual rolling target of a minimum of five per cent of public land per year. The government should also commit to extending the funding for the NPWS five year hazard reduction program past 2016.

It is self evident that it is so much better to put a fire out early or to contain it, than for it to turn into a fire storm. Enabling substantial fire fighting resources to be released early (prior to a section 44 declaration) will save a great deal of resources and potential damage. Recommendation 15 is that the NSW Government consider enabling the default position during catastrophic and extreme fire danger periods to be the same as for section 44 fires, so that fire control centres have the same resources and systems ready to deploy should a fire break out. This will ensure more timely and effective responses to bush fire outbreaks.

The committee was very concerned by allegations from numerous volunteer fire fighters that they were not afforded sufficient respect and autonomy during the Wambelong fire, and that this reflects a

broader trend also apparent in other areas of the state. That this issue was also raised by people in leadership roles in the Coonabarabran community suggested that it is a cause for real concern. It was clear that at times this lack of respect undermined the effectiveness of the Wambelong fire response.

Thus in **recommendation 17** the committee has set out a number of strategies to build greater respect for volunteers into the practices, procedures and culture of the RFS. These include that the RFS: examine its operational plans to provide for use of local fire fighting volunteers' knowledge at every level of the chain of command; require a local fire fighter to be stationed in every command vehicle where possible; ensure that every out of area crew includes at least one local fire fighter; and require officers to engage more effectively and regularly with volunteers during the periods between fires.

The committee is sympathetic to the view of many participants that protecting land owners' homesteads seems to have overshadowed protecting other assets, and indeed the desire of land owners to instruct crews on what assets they would prefer to see protected. Hence the committee has recommended that the RFS reassess the protection of pastoral assets during bush fires to ensure that priority is not simply afforded to the homestead, and that land owners are, within reason, able to request which of their own assets are to be protected.

The communications technologies used during the Wambelong fire appear to have been unnecessarily complex, duplicative and unreliable. We were very troubled to hear that they impeded the Wambelong fire response by affecting crews' ability to communicate with fire control and each other, and placed fire fighters at risk. Thus, the committee has recommended that the Minister for Police and Emergency Services review all fire authorities' communications technologies to ensure that they are standardised and effective. As part of this, the value of satellite phone technology should be investigated.

In respect of recovery after the fire, the committee noted the massive financial and emotional impact that the Wambelong fire had on the many individuals whose properties were burned. We appreciate that the government's public liability scheme arrangements require that the government's legal liability for the losses incurred be established, and we accept that this will occur via a legal process. However, we underscore the immense strain that the length of the process and its adversarial nature are placing on those who intend to make a claim. It is already two years since the fire and people are still faced with the uncertainty of whether they will be duly compensated for their losses. They continue to suffer emotionally, financially, and in their community relationships. Hence the committee has recommended that the government take all reasonable steps to expedite the process of establishing any legal liability for losses incurred by property owners as a result of the fire, and in the event that it is found liable, to expedite the process of paying compensation claims.

The wellbeing of those affected by the Wambelong fire is of critical importance to the committee. When we visited Coonabarabran we witnessed for ourselves the profound and continuing vulnerability of many individuals and families, and their ongoing need for mental health and other support. Recommendation 26 reflects our conviction that the Ministry for Police and Emergency Services must ensure that adequate funding and services, especially recovery centres and mental health services, are provided for an adequate length of time following bush fire emergencies.

Together these recommendations address high priority 'all of government' issues that must be resolved urgently when the new parliament takes its place in 2015.

Summary of recommendations

- Recommendation 1** **68**
 That the NSW Government commit to and fund a long term program of prescribed burning based on the recommendation of the 2009 Victorian Bushfires Royal Commission of an annual rolling target of a minimum of five per cent of public land per year, and that the NSW Government commit to extending the funding for the National Parks and Wildlife Service five year hazard reduction program past 2016.
- Recommendation 2** **68**
 That the NSW National Parks and Wildlife Service establish a regime of frequent mosaic burning within the Warrumbungle National Park, where conditions permit, to be monitored and evaluated via a formal fully funded research program. This program should then inform the Service's approach to the wider national park estate.
- Recommendation 3** **69**
 That the NSW Rural Fire Service, in collaboration with the NSW National Parks and Wildlife Service, review and improve the system of bush fire management zones to ensure that greater priority is given to hazard reduction on land classified within land management zones.
- Recommendation 4** **69**
 That the NSW Rural Fire Service:
- streamline the regulatory system for hazard reduction burns, including the permit system, in order to identify and remove any unnecessary impediments to timely, planned hazard reduction burning
 - improve accountability in relation to the implementation of bush fire risk management plans as a means of delivering more hazard reduction.
- Recommendation 5** **69**
 That the NSW Rural Fire Service develop and implement a comprehensive community education campaign aimed at increasing community understanding of and support for hazard reduction burns.
- Recommendation 6** **70**
 That the NSW Rural Fire Service investigate mechanisms to enhance the predictability of megafires and how this information is communicated easily to the public.
- Recommendation 7** **83**
 That the NSW Rural Fire Service review the decision not to construct additional fire trails in the Warrumbungle National Park following the Wambelong fire.

- Recommendation 8** **83**
That the NSW National Parks and Wildlife Service, at the direction of the NSW Rural Fire Service, enhance the network of fire trails within national parks across New South Wales by:
- reopening those fire trails that have been closed within the last ten years
 - establishing new fire trails where appropriate
 - providing sufficient fire vehicle turning areas
 - ensuring adequate fire trail maintenance over the long term.
- Recommendation 9** **84**
That the NSW Government improve the protection of media and telecommunications towers around New South Wales by:
- increasing the asset protection zone around the towers on Mt Cenn Cruaich and other comparable sites to a radius of at least 100 metres
 - conducting an audit of all New South Wales media and telecommunications sites to examine their fire safety in respect of land clearance, fire trails and fuel loads
 - implementing a strategy to ensure that licensees of these sites fulfil all their hazard reduction obligations.
- Recommendation 10** **84**
That the NSW National Parks and Wildlife Service examine its staffing policy for periods of extreme and catastrophic weather conditions to ensure that sufficient staff are available on site on fire watch.
- Recommendation 11** **85**
That the NSW National Parks and Wildlife Service consider the feasibility, on a case by case basis, of closing public roads through national parks on days with catastrophic fire danger rating, to mitigate the risk of bush fire ignition in national parks.
- Recommendation 12** **85**
That the NSW Rural Fire Service and the NSW National Parks and Wildlife Service investigate the cost and feasibility of installing infrared cameras at the Siding Springs Observatory and key sites in other national parks to facilitate fire spotting.
- Recommendation 13** **119**
That the NSW Rural Fire Service:
- alter the standard procedures for Remote Aerial Response Teams to enable them to operate at night
 - in conjunction with the NSW National Parks and Wildlife Service, enhance the capability of both Remote Aerial Response Teams and Remote Area Firefighting Teams to fight fires at any time including at night.

- Recommendation 14** **120**
That the NSW Rural Fire Service:
- commission an independent investigation into the allegations that brigade group captains and captains were not duly, or in a timely way, notified of the outbreak of the Wambelong fire
 - improve procedures for the notification of group captains to ensure that they are notified of any fire outbreak in and/or adjoining their brigade areas.
- Recommendation 15** **122**
That the NSW Government, as a matter of urgency, amend the *Rural Fires Act 1997* to codify the current interim arrangements for command and notification requirements for class 1 and class 2 fires, which clarify that the NSW Rural Fire Service or Fire and Rescue NSW:
- have ultimate responsibility for all bush fires regardless of tenure
 - are responsible for the appointment of incident controllers
 - are responsible for keeping the public informed.
- Recommendation 16** **122**
That the NSW Government consider enabling the default position during catastrophic and extreme fire danger periods to be the same as for section 44 fires, so that fire control centres have the same systems and resources ready to deploy should a fire break out.
- Recommendation 17** **123**
That the NSW Rural Fire Service review its procedures, systems and infrastructure for notifying community members of bush fires, both when a fire has broken out and as it proceeds, to ensure the provision of timely and adequate information.
- Recommendation 18** **140**
That the NSW Rural Fire Service, in order to ensure greater respect for volunteer fire fighters' knowledge and experience in the management of fires:
- examine its plans of operations to provide for the use of local knowledge at every level of decision making down the chain of command
 - require a local fire fighter to be stationed in every command vehicle, where possible
 - ensure that every out of area crew includes at least one local fire fighter
 - require officers to engage more effectively and regularly with volunteers during the periods between fires
 - consider any further strategies to address the entrenched conflict between officers and volunteers, including additional ways to empower volunteers and utilise them more effectively.
- Recommendation 19** **141**
That the NSW Rural Fire Service formally recognise the Volunteer Fire Fighters Association as a legitimate advocacy organisation representing volunteer bush fire fighters, and duly consult with it on policy and operational matters.
- Recommendation 20** **141**
That the Minister for Police and Emergency Services examine the feasibility of relocating the NSW Rural Fire Service headquarters to a rural or regional location.

- Recommendation 21** **141**
That the NSW Rural Fire Service reassess the protection of pastoral assets during bush fires to ensure that priority for protection is not simply afforded to the homestead, and that land holders are, within reason, able to request which of their own assets are protected.
- Recommendation 22** **142**
That the Minister for Police and Emergency Services review the communications technologies used by the NSW Rural Fire Service, Fire and Rescue NSW, the NSW National Parks and Wildlife Service and Forestry NSW during fire fighting operations, to ensure that systems are standardised and effective. Within this context, the potential value of satellite phone technology should be investigated.
- Recommendation 23** **157**
That the NSW National Parks and Wildlife Service adopt an interim fencing agreement in the immediate aftermath of a fire. This will enable emergency and interim works to commence, but features such as length, fencing components and site of the fence line are not binding. A final fencing agreement would be negotiated no earlier than six months following a major national park fire.
- Recommendation 24** **158**
That the NSW National Parks and Wildlife Service:
- ensure that where a park is adjacent to a rural land holding, its side of the boundary fence is cleared to the same legislative requirement as the land holding, that is, six metres
 - examine the fairness of the policy whereby, in the event of a fire originating on national park land, the Service provides the fencing materials to construct or replace boundary fences, while the neighbour erects the fences.
- Recommendation 25** **158**
That the NSW National Parks and Wildlife Service remove from its boundary fencing policy and standard contract the condition that requires adjoining land owners to maintain a fence that has been damaged by trees falling from national park land.
- Recommendation 26** **158**
That the Office of State Revenue investigate mechanisms to enhance the affordability of insurance for properties and assets in fire affected areas.
- Recommendation 27** **159**
That the NSW Government take all reasonable steps to expedite the process of establishing any legal liability for the losses incurred by property owners as a result of the Wambelong fire, and in the event that it is found liable, expedite the process of paying compensation claims.
- Recommendation 28** **160**
That the Ministry for Police and Emergency Services and NSW Treasury:
- reimburse the Warrumbungle Shire Council for the NSW Government's share of the remaining shortfall of \$528,000 in funds pledged to the recovery process
 - consider how the process for claiming funds pledged by state government representatives in future disasters and emergencies can be streamlined.

Recommendation 29

160

That the Ministry for Police and Emergency Services urgently review its policies for the provision of disaster welfare services to ensure that in the event of a bush fire emergency and the declaration of a fire under section 44 of the *Rural Fires Act 1997*, adequate funding and services, especially recovery centres and mental health services, are provided for an adequate length of time, with gradual transition to normal service delivery when those services are no longer required.

Chapter 1 Introduction

This chapter provides an overview of the inquiry process, including the methods the committee used to facilitate participation by members of the public, government agencies and relevant organisations. It also includes a brief outline of the report structure.

Conduct of the inquiry

Terms of reference

- 1.1 The inquiry's terms of reference were adopted on 14 November 2013 under the committee's power to make a self-reference.
- 1.2 The terms of reference can be found on page iv.

Submissions

- 1.3 The committee invited submissions by advertising in *The Land* and the *Coonabarabran Times*. A media release announcing the inquiry was sent to all media outlets around the state. The committee also sought submissions by writing directly to individuals or organisations with a likely interest in the inquiry, including government agencies, local councils in the area, and local and statewide groups with a potential interest in the terms of reference.
- 1.4 The committee received a total of 56 submissions and 17 supplementary submissions from a range of stakeholders including many local land owners whose properties were burned by the fire.
- 1.5 A list of submissions is available at **appendix 1**.

Hearings

- 1.6 The committee held two public hearings: the first at the Coonabarabran Town Hall on 4 September 2014 and the second at Parliament House on 15 September 2014. A total of 28 witnesses gave evidence, and a full list of witnesses is set out at **appendix 2**. The transcripts of evidence are available on the committee website. A list of documents tabled at the hearings is set out in **appendix 4**. Those that were not already public documents are available on the committee website.
- 1.7 The committee also had the benefit of receiving written answers to questions taken on notice during the hearing, as well as answers to a number of supplementary questions that were asked of some of the witnesses. A list of those responses is set out in **appendix 5**; the answers are available on the committee website.

Site visit and public forum

- 1.8** On 3 September 2014 the committee undertook a site visit to the Warrumbungle National Park, hosted by representatives of the NSW National Parks and Wildlife Service (NPWS). Afterwards it visited the properties of a number of members of the Coonabarabran Property Owners Alliance, that had been burned by the fire.
- 1.9** Later that day the committee held a public forum at which members of the Coonabarabran and surrounding community were able to address the committee for up to five minutes. A total of 16 people spoke at the forum. Their names are set out in **appendix 3** and the transcript of the forum is available on the committee website.
- 1.10** The committee thanks all those who participated in the inquiry, whether by making a submission, giving evidence or speaking at the public forum. We were all the more appreciative given the devastating impact that the fire had on many individuals, families and the community itself.

Coronial inquiry

- 1.11** An unusual aspect of this parliamentary inquiry was that it was run at the same time as a coronial inquiry into the same issue – the Wambelong fire. The coronial inquiry, formally titled the NSW State Coroner’s Court’s inquest into the fire at Wambelong campground, Coonabarabran, was still on-going at the time that this report was published. The purpose of the coronial inquiry was to learn what happened during the Wambelong fire, why and how it happened, and what lessons can be drawn from it.¹
- 1.12** At the request of the then Minister for Police and Emergency Services, the Hon Michael Gallacher MLC, and the then Minister for the Environment, the Hon Robyn Parker MP, the committee delayed the commencement, and then the conclusion, of our own inquiry in order to allow for the coronial inquiry to run its course. Subsequent delays to the hearings of the coronial inquiry meant that the committee could no longer delay its report. At the time of tabling our report, the coronial hearings have been conducted, however, the process of closing submissions has not yet occurred, and the Deputy Coroner’s findings are yet to be handed down. Because these matters are on foot the committee is not able to make detailed reference to the evidence before the coroner’s court in this report, nor to have that evidence inform our own findings. We have simply noted at various points throughout this report key issues that the Counsel Assisting the Deputy Coroner indicated in her opening statement the coronial inquiry would examine. These issues are concentrated in chapter 5, which focuses on hazard reduction burning prior to the Wambelong fire, and chapter 7, which deals with the initial response to the fire.

¹ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], NSW State Coroner’s Court, p 2.

- 1.13** The committee is disappointed that the timing of this parliamentary inquiry was delayed with no apparent gain. As we noted when we initially deferred the inquiry's commencement, concern within the community regarding the time being taken to complete the coronial investigation was one of the reasons our inquiry was established.² Once our inquiry proceeded it was very apparent to us that the people affected by the Wambelong fire will benefit greatly from these matters being drawn to a conclusion. We take up this issue in chapter 9, dealing with various aspects of recovery after the fire.

Report structure

- 1.14** Chapter 2 of this report provides background information on the Warrumbungle National Park where the Wambelong fire broke out, and surrounding areas. It outlines the roles and responsibilities of the NSW National Parks and Wildlife Service (NPWS) and the NSW Rural Fire Service (RFS) in relation to the management of bush fires, along with land management policies and practices.
- 1.15** In chapter 3 the committee provides a sequence of the key events that took place prior to and during the Wambelong fire, based on the account of the NSW Government.
- 1.16** In chapter 4 we document the impacts of the fire on property owners, the local community and the Warrumbungle National Park, drawing extensively on the many personal accounts provided to the committee.
- 1.17** Chapter 5 is the first of two exploring the factors that contributed to the outbreak of the Wambelong fire and its immense strength. It focuses on the high fuel load of dry fuel within the national park prior to the fire and correspondingly, the inadequacy of fire hazard reduction burning in the park and surrounding areas prior to the fire.
- 1.18** Chapter 6 considers a closely related issue: the state and comprehensiveness of fire trails and fire breaks within the park, as well as a number of other factors that participants consider contributed to this megafire.
- 1.19** In chapter 7 the committee examines in detail the initial response to the Wambelong fire from the time that it was first observed and reported at approximately 4.00 pm Saturday 12 January 2013 until soon after the section 44 was called at approximately 11.00 am the following day, at which time the Commissioner of the NSW Rural Fire Service (RFS) took control of the response. The focus is primarily upon the actions of the NPWS because the fire was under its authority during that period.
- 1.20** Chapter 8 considers the management of the fire after section 44 was invoked until it was extinguished, and primarily focuses on the actions of the RFS.
- 1.21** The report concludes in chapter 9 by examining various aspects of the recovery process following the fire.

² Letter from the Hon Robert Brown MLC, Chair, General Purpose Standing Committee No. 5, to the Hon Deputy State Coroner Magistrate Dillon, Office of the State Coroner, 14 February 2014.

Chapter 2 Background

The Wambelong fire began within the Warrumbungle National Park. This chapter provides background information on the Warrumbungle National Park and surrounding areas. It outlines the roles and responsibilities of the NSW National Parks and Wildlife Service (NPWS) and the NSW Rural Fire Service (RFS) in relation to the management of bush fires. In addition, the chapter considers land management policies and practices and in particular those of the NPWS.

Warrumbungle National Park

- 2.1** The Warrumbungle National Park is a heritage listed national park located on the north-west slopes of New South Wales. It is approximately 33 kilometres west of Coonabarabran, 90 kilometres north of Gilgandra and 75 kilometres east of Coonamble.³ The park covers an area of 23,312 hectares and is an iconic tourist attraction providing camp sites and walking tracks for visitors.⁴ The green shaded area in Figure 1 on the following page represents the Warrumbungle National Park.⁵
- 2.2** Three local government areas extend across the Warrumbungle National Park: the Warrumbungle Shire to the east, the Gilgandra Shire to the south and the Coonamble Shire to the west.⁶ The town of Coonabarabran sits within the Warrumbungle Shire and is the closest town to the national park.
- 2.3** Coonabarabran is known as the ‘astronomy capital of Australia’ and with its high altitude, low humidity and non-turbulent atmosphere is ideal for stargazing.⁷ The Siding Spring Observatory is located on Mount Woorut bordering the eastern edge of the Warrumbungle National Park.⁸ The observatory is home to a number of telescopes belonging to both local and international organisations and the site conducts research and tourism.⁹ The Australian National University (ANU) has owned the Siding Spring Observatory site since 1962.¹⁰
- 2.4** Located within the Warrumbungle National Park is the critical infrastructure broadcasting site at Mount Cenn Cruaich comprising around three hectares of leased NSW Crown Land.¹¹ Currently on site and servicing the Central Western Slopes area are 15 major broadcasting users together with emergency services.¹²

³ Submission 44, NSW Government, p 1.

⁴ Submission 44, NSW Government, p 1.

⁵ Submission 44, NSW Government, attachment A.

⁶ Submission 44, NSW Government, p 1.

⁷ Coonabarabran Visitor Information Centre, Warrumbungle Tourism, <http://www.warrumbungleregion.com.au/coonabarabran.cfm>.

⁸ Evidence, Ms Christine Allard, Director, Facilities and Services Division, Australian National University, 4 September 2014, p 38.

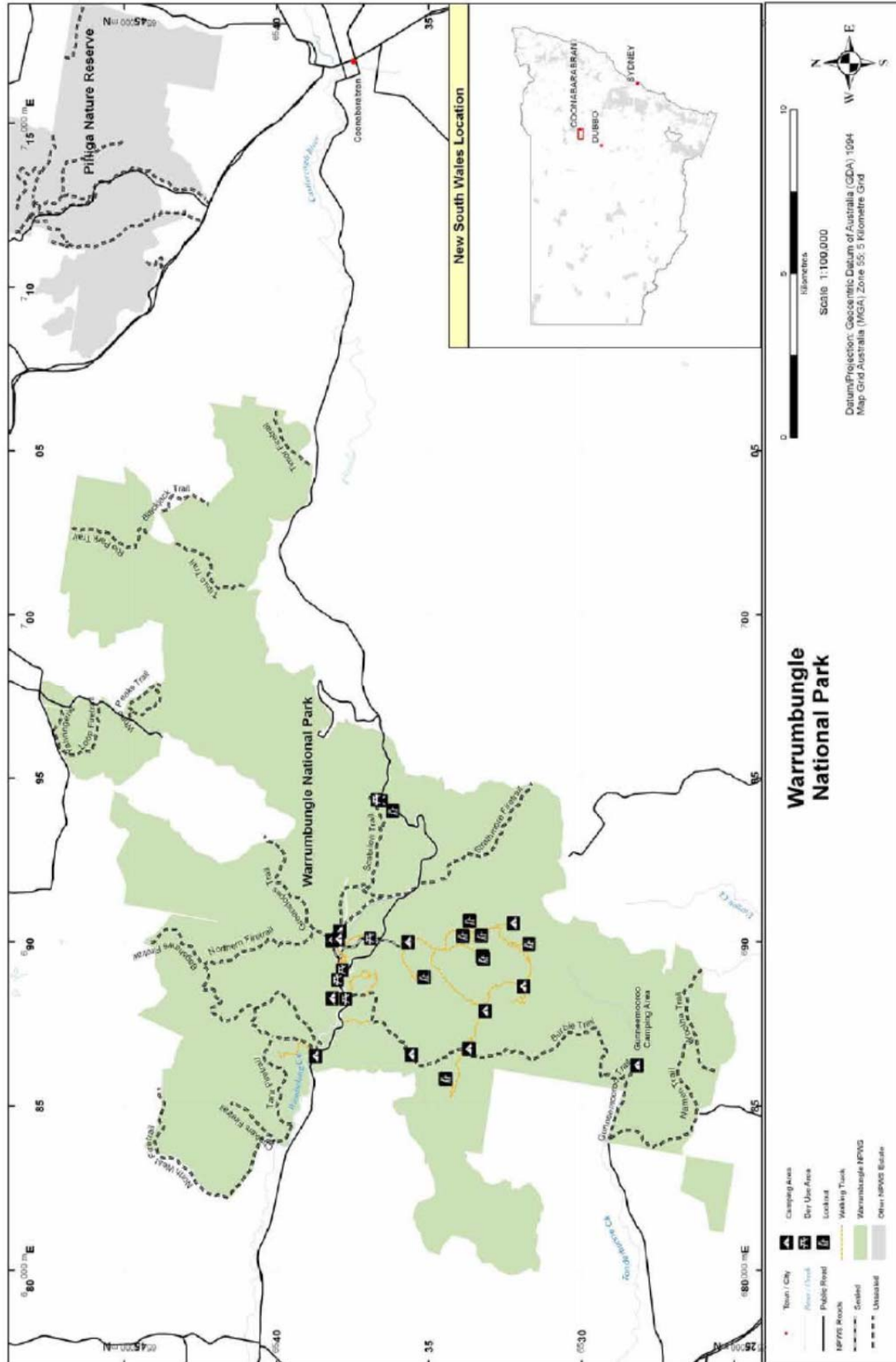
⁹ Evidence, Ms Allard, 4 September 2014, p 38.

¹⁰ Evidence, Ms Allard, 4 September 2014, p 38.

¹¹ Submission 20, Ms Kim Noonan, p 6.

¹² Submission 20, Ms Kim Noonan, p 6.

Figure 1 Map of the Warrumbungle National Park



Source: Submission 44, NSW Government, Map of the Warrumbungle National Park, attachment A, p 3.

- 2.5** The history of bush fires within the Warrumbungle National Park has been characterised by small fires with infrequent larger fires on an interval of 10 to 30 years. Large fires were recorded to have occurred in the park in the 1950s, 1967, 1990, 2002 and most recently 2013. The 2013 Wambelong fire (the subject of this inquiry) is the largest ever recorded in the Warrumbungle National Park.¹³

National Parks and Wildlife Service

- 2.6** The NPWS is part of the Office of Environment and Heritage within the Department of Premier and Cabinet, and is within the portfolio responsibility of the Minister for the Environment.¹⁴ NPWS manage more than 850 national parks and reserves, almost nine per cent of the land in New South Wales.¹⁵
- 2.7** NPWS has an important land management responsibility for conservation and public appreciation, understanding and enjoyment of the natural and cultural heritage.¹⁶ NPWS also has statutory obligations to prevent the occurrence of bush fires and to minimise the danger of bush fires spreading on or from lands under its management.¹⁷
- 2.8** The Warrumbungle National Park falls within the administrative responsibility of the Northern Plains Region of the Western Branch of NPWS, and is managed locally and regionally from the Coonabarabran and Narrabri offices of NPWS.¹⁸ The park is managed in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* in addition to the *National Parks and Wildlife Act 1974*.¹⁹

Rural Fire Service

- 2.9** The RFS is a volunteer based fire fighting agency that provides fire and emergency services to approximately 95 per cent of the state of New South Wales.²⁰ In collaboration with Fire and Rescue NSW these two agencies are primarily responsible for fire services under both the *Rural Fires Act 1997* and the *State Emergency and Rescue Management Act 1989*.²¹
- 2.10** The RFS is comprised of over 2,100 rural fire brigades with a total volunteer membership of approximately 72,000. In addition, over 900 paid staff are employed to manage day to day

¹³ Submission 44, NSW Government, p 9.

¹⁴ Submission 44, NSW Government, p 1.

¹⁵ NSW National Parks and Wildlife Service (22 February 2013), <http://www.nationalparks.nsw.gov.au/about>.

¹⁶ Evidence, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 15 September 2014, p 19.

¹⁷ Submission 44, NSW Government, p 6.

¹⁸ Submission 44, NSW Government, p 1.

¹⁹ Submission 44, NSW Government, p 2.

²⁰ NSW Rural Fire Service, <http://www.rfs.nsw.gov.au/about-us/fast-facts>.

²¹ Submission 44, NSW Government, p 2.

operations.²² The volunteer service mostly includes members from rural communities which work closely with their community in the prevention and management of bush fires.²³

2.11 The RFS has fire management responsibilities over a large geographic area of New South Wales (800,630 square kilometres).²⁴ The service is broken up into four regions and then divided into 48 districts. The Warrumbungle National Park falls within the North Region and the Castlereagh District.²⁵ The map in Figure 2 on the following page shows the RFS brigade boundaries that cover the Warrumbungle National Park.²⁶

Fire management in New South Wales

2.12 Bush fires are a major issue for public safety, communities and the environment. South-eastern Australia is one of the most bush fire prone areas in the world, and hence the NSW government advised that fire management, including policy, planning, operations and reporting, have become a high priority.²⁷

2.13 Uncontrolled bush fires are a threat to life and property and to ecological sustainability. High intensity bush fires destroy lives, property, livestock and also native fauna and flora.

Responsibility for fire management in New South Wales

2.14 There are four fire fighting authorities recognised under the *Rural Fires Act 1997*, who work together to provide fire services to communities in New South Wales:

- NSW Rural Fire Service
- Fire and Rescue NSW
- National Parks and Wildlife Service
- Forestry Corporation of NSW.²⁸

2.15 The four fire fighting authorities operate under the NSW Bush Fire Coordinating Committee Policies. The agencies are also subject to the *State Bush Fire Plan 2011*, which is a sub-plan of the *NSW Emergency Management Plan 2012*.²⁹

²² NSW Rural Fire Services, <http://www.rfs.nsw.gov.au/about-us/structure>.

²³ Evidence, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 15 September 2014, p 39.

²⁴ NSW Rural Fire Service, <http://www.rfs.nsw.gov.au/about-us/history>.

²⁵ NSW Rural Fire Service, <http://www.rfs.nsw.gov.au/about-us/our-districts>.

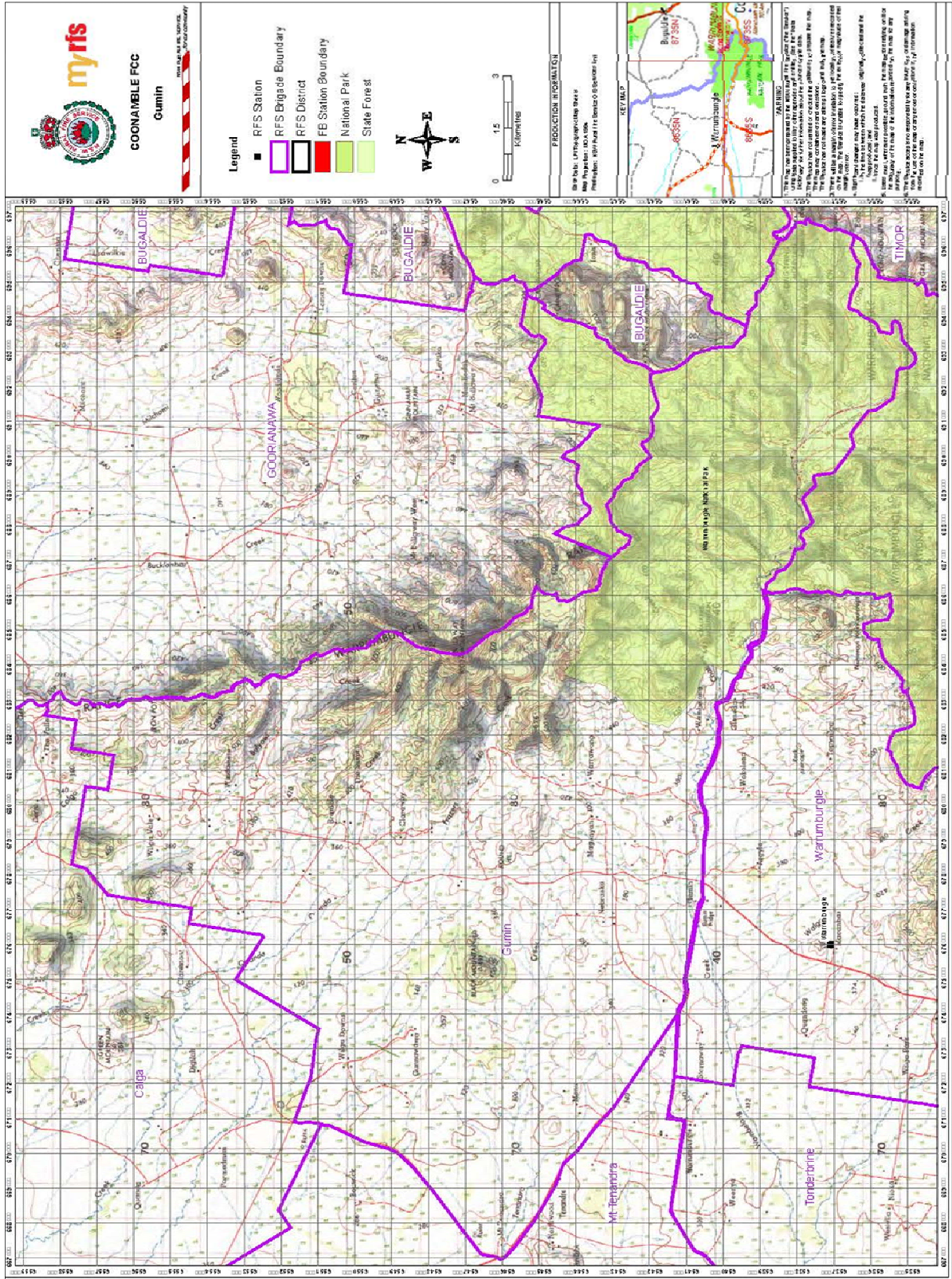
²⁶ NSW Rural Fire Service, *Gumin RFB Boundary Map*, www.rfs.nsw.gov.au/__data/assets/pdf_file/0003/14088/Gumin-RFB-Boundary-Map.pdf.

²⁷ Submission 44, NSW Government, p 2.

²⁸ Submission 44, NSW Government, p 2.

²⁹ Submission 44, NSW Government, p 2.

Figure 2 Rural Fire Service Brigade boundaries around Warrumbungle National Park



Source: NSW Rural Fire Service, Gumin RFB Boundary Map, www.rfs.nsw.gov.au/_data/assets/pdf_file/0003/14088/Gumin-RFB-Boundary-map.pdf

- 2.16** When a fire occurs, the *Rural Fires Act 1997* provides for fire fighters and supporting roles to be integrated into a combined and coordinated response. The four fire fighting authorities operate under a standard incident management system in accordance with the Australasian Inter-service Incident Management System. This ensures that the roles and responsibilities of fire fighters and incident management team members are common and understood across all agencies, including inter state agencies.³⁰
- 2.17** The RFS Commissioner has the responsibility and the power to ensure appropriate interaction and coordination between the four fire fighting authorities. Furthermore, if a bush fire is beyond local capabilities and/or the prevailing conditions are conducive to a bush fire emergency, the NSW RFS Commissioner can invoke section 44 of the *Rural Fires Act 1997*, which provides him/her with the power to take charge of bush fire fighting arrangements.³¹ The text of section 44 is available at appendix 6.
- 2.18** The four fire fighting authorities also engage in the planning, prevention and mitigation of bush fire hazards across the state. This includes the functions of the Bush Fire Coordinating Committee who form the Bush Fire Management Committees. It also includes the preparation of the Bush Fire Risk Management Plan and plan of operations. The roles and function of each of these are explained below.

Bush Fire Coordinating Committee

- 2.19** The Bush Fire Coordinating Committee is responsible for planning in relation to bush fire prevention and coordinated bush fire fighting. The functions include advising the RFS Commissioner on prevention, mitigation and coordinated bush fire suppression across New South Wales. A major function of the coordinating committee also includes the approval of bush fire management plans, both risk management and operational, prepared by local Bush Fire Management Committees. The coordinating committee is comprised of representatives from various departments and authorities and is chaired by the RFS Commissioner.³²

Bush fire management committees

- 2.20** It is the responsibility of the Bush Fire Coordinating Committee to form a bush fire management committee for every rural fire district and every fire district where there is a reasonable risk of bush fires. There are currently 67 management committees across the state of New South Wales.³³
- 2.21** The main purpose of management committees is to coordinate bush fire management with the cooperation of organisations, agencies and the community at a local level. The functions consist of preparing a plan of operations setting out how the agencies will integrate and coordinate themselves to protect the community from bush fires. This also includes the preparation of a Bush Fire Risk Management Plan to mitigate bush fire hazards.³⁴

³⁰ Submission 44, NSW Government, pp 21-22.

³¹ Submission 44, NSW Government, pp 2-3.

³² Submission 44, NSW Government, p 3.

³³ Submission 44, NSW Government, p 4.

³⁴ Submission 44, NSW Government, p 4.

2.22 The Warrumbungle National Park is situated within two bush fire management zones and is covered by two management committees. The Castlereagh committee is responsible for the eastern and southern parts of the park and the North West committee is responsible for the western part.³⁵

Bush Fire Risk Management Plan

2.23 The Bush Fire Risk Management Plan (BFRMP) is a strategic document developed by the relevant bush fire management committee that guides hazard reduction activities in an area and is used to determine:

- assets within the community at risk from bush fire and the level of risk to those assets
- treatment options and the responsibility for carrying out those treatments
- mechanical clearing or hazard reduction burns
- specialised fire protection
- community education.³⁶

2.24 The risk management plan is developed in conjunction with community feedback and is approved by the Bush Fire Coordinating Committee or its delegate. Plans are placed on public exhibition and are also published on the RFS website.³⁷

2.25 Similar to the bush fire management committees, the risk management plan for the Warrumbungle National Park is divided into two plans: the Castlereagh and the North West. Both are aimed at minimising the risk of adverse impact to bush fires on life, property and the environment and include the same objectives:

- to reduce the number of human-induced bush fire ignitions that cause damage to life, property and the environment
- to manage fuel to reduce the rate of spread and intensity of bush fires, while minimising the environmental/ecological impacts
- to reduce the community's vulnerability to bush fires by improving its preparedness
- to effectively contain fires with a potential to cause damage to life, property and the environment.³⁸

2.26 The purpose and objectives for each of the bush fire management zones are also consistent between both plans.³⁹

2.27 The key elements of localised BFRMPs are:

- identification of assets at risk of bush fire

³⁵ Submission 44, NSW Government, p 12.

³⁶ Submission 44, NSW Government, p 5.

³⁷ Submission 44, NSW Government, p 5.

³⁸ Submission 44, NSW Government, p 12.

³⁹ Submission 44, NSW Government, pp 12-13.

- a tenure blind risk assessment that identifies and prioritises assets and assigns treatments to manage risks
- treatments are assigned to a land manager or other responsible agency for completion.⁴⁰

2.28 The annual programme of works focuses on the two highest risk categories in BFRMPs, extreme and very high risks. In addition, a contingency works programme is also created comprising high and medium risks.

2.29 Treatments are assigned to all identified assets based on risk priority. Hazard reduction works are categorised into one of four bush fire management zones:

- asset protection zones - to protect human life, property and highly valued public assets and values
- strategic fire advantage zones - to provide strategic areas of fire protection advantage which will reduce the speed and intensity of bush fires, and reduce the potential for spot fire development and to aid containment of wildfires to existing management boundaries
- land management zones - to meet relevant land management objectives in areas where APZs or SFAZs are not appropriate
- fire exclusion zones - to exclude bush fires.⁴¹

2.30 Further information on the four zones is provided in Figure 3 on the following page.

Plans of operations

2.31 Plans of operations are used to identify and coordinate member agencies' local capabilities, resources and the actions required in the event of a bush fire. It sets out how the agencies present in the bush fire management committee area will integrate and work together to protect the community from bush fires, including first response arrangements.⁴²

2.32 As outlined within the relevant plan of operations, when a bush fire is first discovered or reported the agency first responding is to notify the relevant land manager and the executive officer of the relevant bush fire management committee - typically the local RFS Superintendent. An incident management team is to be immediately formed and an appropriate officer chosen to become the Incident Controller. As the bush fire progresses control and coordination may transfer to a more senior officer, or more appropriate authority, depending on the classification of the fire.⁴³

⁴⁰ Answers to supplementary questions, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, p 8.

⁴¹ Answers to supplementary questions, Deputy Commissioner Rogers, p 8.

⁴² Submission 44, NSW Government, p 4.

⁴³ Submission 44, NSW Government, p 4.

Figure 3 Bush fire management zones: purpose, objectives and characteristics

Zone	Purpose	Suppression Objective(s)	Zone characteristics
Asset Protection Zone	To protect human life, property and highly valued public assets and values.	To enable the safe use of Direct Attack suppression strategies within the zone. To minimise bush fire impacts on undefended assets	As per RFS document Standards for Asset Protection Zones.
Strategic Fire Advantage Zone	To provide strategic areas of fire protection advantage which will reduce the speed and intensity of bush fires, and reduce the potential for spot fire development; To aid containment of wildfires to existing management boundaries.	To improve the likelihood and safe use of: Parallel Attack suppression strategies within the zone. and/or Indirect Attack (back burning) in high to very high fire weather conditions within the zone. To reduce the likelihood of: Crown fire development within the zone. And/or Spot fire ignition potential from the zone	Zone width related to suppression objectives and dependent upon: <ul style="list-style-type: none"> • Topography • Aspect • Spotting propensity • Location of adjacent firebreaks • Mosaic pattern of treatment <p>Assess Overall Fuel Hazard (OFH) once vegetation communities reach minimum fire thresholds within this plan.</p> <p>Management practices should aim to achieve mosaic fuel reduction patterns so that the majority of the SFAZ has an OFH of less than high.</p>
Land Management Zone	To meet relevant land management objectives in areas where APZs or SFAZs are not appropriate.	As per the land management and fire protection objectives of the responsible land management agency. To reduce the likelihood of spread of fires. To undertake mosaic burning	As appropriate to achieve land management e.g. heritage and/or fire protection e.g. broad scale mosaic burning objectives.
Fire Exclusion Zone	To exclude bush fires.	N/A	Variable dependant on size of fire sensitive area requiring protection.

Submission 44, NSW Government, p 13, table 3.1, Bush Fire Management Zones: Purpose, objectives and characteristics.

Classification of a bush fire

2.33 The classification of a bush fire is usually undertaken in consultation with the operations group, or Fire Classification Group of the local Bush Fire Management Committee. There are three classifications:

- class 1 – a bush fire under the control of the responsible fire authority, whether or not incident/low level assistance is provided by other agencies
- class 2 – a bush fire that, by necessity, involves more than one agency and where the Bush Fire Management Committee Executive has appointed a person to take charge of fire fighting operations
- class 3 – a major bush fire or fires where an appointment has been made, or is imminent, under the provisions of section 44 of the *Rural Fires Act 1997*.⁴⁴

Section 44 of the *Rural Fires Act 1997*

2.34 Under the *Rural Fires Act 1997* the RFS Commissioner has the power to take charge of a major bush fire. This is known as a section 44 declaration and the Act states:

The Commissioner is to take charge of bush fire fighting operations and bush fire prevention measures and to take such measures as the Commissioner considers necessary to control or suppress any bush fire in any part of the State if, in the opinion of the Commissioner:

(a) a bush fire has assumed or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning, or

(b) the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions, or

(c) a bush fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning, or

(d) a bush fire is burning in a place that is not the responsibility of any fire fighting authority.⁴⁵

2.35 Once a fire is declared a section 44 bush fire emergency the NSW Emergency Management Plan is invoked and the incident becomes a class 3 fire.⁴⁶ The RFS is then identified as having responsibility for coordinating overall fire fighting activities and the Commissioner has the power and responsibility of managing bush fire emergencies anywhere in the State.⁴⁷

2.36 Upon declaring a section 44 fire the Commissioner takes charge of all fires operating in an area, not just one fire on one land tenure.⁴⁸ The Commissioner will appoint an Incident

⁴⁴ Submission 44, NSW Government, p 5.

⁴⁵ *Rural Fires Act 1997*, s 44.

⁴⁶ Submission 44, NSW Government, pp 5 and 33.

⁴⁷ Submission 44, NSW Government, p 5.

⁴⁸ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 45.

Controller to take charge of all operations and usually an interagency incident management team is formed.⁴⁹ The Incident Controller appointed would have a level of training required to manage a bush fire under section 44 and be someone fully across the impact of the fire on the community. The Incident Controller appointed by the Commissioner may not be the same person appointed at first response arrangements.⁵⁰

- 2.37** In circumstances of extreme fire danger conditions, a pre-emptive section 44 declaration can be made. This ensures that fire control centres have the systems in place and the resources ready to deploy in preparation to combat any major bush fire.⁵¹

National Parks and Wildlife Service fire management role

- 2.38** It is the responsibility of the NPWS to take all possible steps to prevent the ignition and spread of bush fires on lands that it manages.⁵² Under the *Rural Fires Act 1997* NPWS is classified as both a public authority and a fire fighting authority. This requires NPWS to not only manage bush fires on or from their land, but to also assist other fire authorities and its neighbours with the management of bush fires as a fire fighting authority.⁵³

Bush fire management plans

- 2.39** NPWS fire management efforts plan part of a statewide approach, consistent with the *Rural Fires Act 1997*, the *NSW 2021 Plan* and the State Bush Fire Plan.⁵⁴ NPWS work closely with the RFS at a state and local level to maximise the effectiveness of their fire fighting efforts. During periods of high fire activity NPWS provide officers and support teams to the RFS to perform a range of functions to assist in statewide situations, monitoring, strategic review and aviation management.⁵⁵
- 2.40** NPWS is a member of the Bush Fire Coordinating Committee and has a representative on most of the 67 Bush Fire Management Committees across New South Wales, especially where NPWS has significant reserves that may potentially be impacted by fire. NPWS is represented on the Castlereagh Bush Fire Management Committee and the North West Bush Fire Management Committee that both cover the Warrumbungle National Park.⁵⁶ All parks and reserves managed by the NPWS are incorporated within the Bush Fire Risk Management Plans and the plans of operations.⁵⁷ The response to bush fires on parks and reserves managed

⁴⁹ Submission 44, NSW Government, p 5.

⁵⁰ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 45.

⁵¹ ABC News, 'Extreme fire danger prompts emergency declaration', *ABC News* (8 January 2013), <http://www.abc.net.au/news/2013-01-08/extreme-fire-danger-prompts-emergency-declaration/4456374>.

⁵² Submission 44, NSW Government, p 8.

⁵³ Submission 44, NSW Government, p 6.

⁵⁴ Submission 44, NSW Government, p 6.

⁵⁵ Evidence, Mr Bailey, 15 September 2014, pp 19-20.

⁵⁶ Evidence, Mr Bailey, 15 September 2014, p 19.

⁵⁷ Submission 44, NSW Government, p 6.

by the NPWS is a cooperative effort between NPWS, the RFS and other agencies when required.⁵⁸

2.41 NPWS has developed a hierarchy of planning documents to guide its approach to fire management in parks and reserves.⁵⁹ These include the NPWS strategic vision, objectives and principles; fire management policies and procedures; and fire management planning to include requirements for prescribed burns, asset protection and fire trail maintenance.⁶⁰ The planning documents listed below are reviewed and updated on a regular basis:

- *Living with Fire in NSW National Parks – A strategy for managing bush fire in national parks and reserves 2012-21*
- Fire management manuals
- Regional incident procedures
- NPWS Reserve Fire Management Strategy
- Statutory Plan of Management.⁶¹

2.42 The NPWS Reserve Fire Management Strategy for the Warrumbungle National Park was adopted in August 2012. This planning document is used for preparing annual fire management works schedules and is consistent with the context provided by the Bush Fire Risk Management Plans and plans of operations.⁶² The Warrumbungle National Park strategy contains operational guidelines on:

- aerial operations
- back burning
- command and control
- containment lines
- earthmoving equipment
- fire suppression chemicals
- rehabilitation
- watering points
- smoke management
- visitor management
- warnings
- aviation hazards
- aboriginal cultural heritage site management

⁵⁸ Submission 44, NSW Government, p 22.

⁵⁹ Submission 44, NSW Government, p 6.

⁶⁰ Submission 44, NSW Government, pp 6-8.

⁶¹ Submission 44, NSW Government, pp 6-8.

⁶² Submission 44, NSW Government, p 7.

- historical heritage site management
- threatened flora and fauna management.⁶³

Resources

- 2.43** As a fire authority, NPWS has significant resources available to meet its fire management responsibilities. These resources include almost 1,200 trained fire fighters, fire specialists and fire support staff, 470 vehicles, 170 items of equipment such as bulldozers, graders, slashers and five aircraft.⁶⁴
- 2.44** The Northern Plains Region NPWS who are responsible for managing the Warrumbungle National Park have a range of fire fighting resources. These include around 55 personnel who participate in a range of roles with fire fighting appliances such as category 9 and 7 vehicles (mop up appliances and light fire appliances, respectively), and out of area resources.⁶⁵

Hazard reduction

- 2.45** NPWS is responsible for managing fuel in national parks and reserves to reduce the rate of spread and intensity of bush fires, while minimising environmental and ecological impacts. NPWS undertakes, on average, 80 per cent of the hazard reduction burning each year on fire-prone land in New South Wales.⁶⁶ In addition, NPWS maintains 37,600 kilometres of fire trails and park roads for use of fire management purposes within national park and reserve estate.⁶⁷ Hazard reduction within the Warrumbungle National Park and NPWS hazard reduction practices are explored in detail in chapter 5.

Finance and insurance

- 2.46** NPWS as part of the Office of Environment and Heritage is a member of the NSW Treasury Managed Fund. The coverage provided by the fund to member agencies protects all assets and liabilities of the member agency including its legal liability to third parties. This includes compensation in respect of claims made against member agencies caused by an occurrence in connection with its activities and expenses incurred in the settlement or defence of claims or litigation.⁶⁸

⁶³ Submission 44, NSW Government, attachment L, p 3.

⁶⁴ Evidence, Mr Bailey, 15 September 2014, p 20.

⁶⁵ Submission 44, NSW Government, p 15.

⁶⁶ Evidence, Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, National Parks and Wildlife Service, 15 September 2014, p 35.

⁶⁷ Evidence, Mr Bailey, 15 September 2014, p 20.

⁶⁸ Submission 44, NSW Government, p 31.

Boundary fencing

- 2.47** Boundary fencing refers to fencing that is constructed along or close to the boundary of a reserve managed by the NPWS.⁶⁹ The *Dividing Fences Act 1991* does not require NPWS, as an agency of the crown, to be responsible for or share the costs of boundary fencing. However, it is NPWS policy to contribute to the cost of constructing or replacing damaged or destroyed boundary fences by providing the fencing materials for the neighbour to then erect the fence on the boundary.⁷⁰
- 2.48** NPWS boundary fencing assistance has historically been formalised by way of a fencing agreement, which is signed by a representative of NPWS and the neighbour. The fencing agreement includes:
- contributions of the parties
 - location of the fence
 - provision of materials
 - required standard of fencing
 - any other related matters.⁷¹

⁶⁹ NSW Government, Office of Environment and Heritage, NPWS Boundary Fencing Policy (13 June 2014), <http://www.environment.nsw.gov.au/policies/BoundaryFencing.htm>.

⁷⁰ Submission 44, NSW Government, p 27.

⁷¹ Submission 44, NSW Government, pp 27-28.

Chapter 3 Sequence of events

This chapter documents key events that took place prior to and during the Wambelong fire, based on the account of the NSW Government. Chapter 7 considers the initial response to the fire in greater detail.

Before Saturday 12 January 2013

- 3.1** On Tuesday 8 January 2013 the State Emergency Management Committee advised the National Parks and Wildlife Service (NPWS) to close all national parks and reserves due to extreme fire weather conditions across New South Wales. Over the following days, many national parks and reserves were progressively re-opened; however, the Warrumbungle National Park remained closed due to the continuing extreme fire danger rating.⁷²
- 3.2** To inform the public of the closure of the Warrumbungle National Park, NPWS attached signs across the permanent park entry signs at:
- each end of the John Renshaw Parkway, the two main public entrances to the park, and
 - the Dooranbah Road entrance to Gunneemooroo Camp near Tooraweenah, the only other public entrance to the park.⁷³
- 3.3** On Friday 11 January 2013 larger laminated signs were installed to replace the above signs. An additional sign was installed on the outskirts of Coonabarabran on the John Renshaw Parkway.⁷⁴

Saturday 12 January 2013

4.00 pm

- 3.4** At approximately 4.00 pm smoke was observed and reported a short distance west of the Wambelong camping area, on the northern side of John Renshaw Parkway, adjacent to Wambelong Creek. Soon after that, a second fire approximately 500 meters east of the main fire was sighted.⁷⁵
- 3.5** At 4.05 pm the NPWS uploaded basic details about the fire onto the NSW Rural Fire Service (RFS) Incident Control On-Line (ICON) system. This would have been publicly available from the website and the Fires Near Me app from early evening.⁷⁶

⁷² Submission 44, NSW Government, p 16.

⁷³ Answers to supplementary questions, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 8 October 2014, p 3.

⁷⁴ Answer to supplementary questions, Mr Bailey, p 3.

⁷⁵ Submission 44, NSW Government, p 18.

⁷⁶ Submission 44, NSW Government, p 21.

- 3.6** At 4.20 pm two off duty NPWS staff who happened to be in the park responded to the report of smoke and undertook reconnaissance. The fire was observed to be approximately 50 m x 50 m in size, with flames less than 50 cm high, except for one section of fire which had a two metre high flame.⁷⁷ NPWS staff then formally reported and confirmed the locations and details of the fire with the NPWS and RFS.⁷⁸
- 3.7** At 4.22 pm the NPWS Regional Manager called the RFS Castlereagh Zone Operations Manager to request deployment of Rural Fire Brigade (RFB) crew to attend the fire.⁷⁹
- 3.8** At about 4.35 pm the NPWS Regional Manager contacted the RFS Operations Manager to request deployment of aircraft (fixed wing water bombers) located at Gunnedah Airport.⁸⁰
- 3.9** At 4.45 pm an NPWS Incident Controller was appointed to coordinate the fire response from the Coonabarabran NPWS office.

5.00 pm

- 3.10** At about 5.00 pm the first fire fighter, a NPWS staff member, arrived at the scene after obtaining a fire fighting appliance. At this time, the fire was observed to have been burning two thirds of the way up the hill behind the Wambelong camping area and was estimated to be between one and two hectares in size. A NPWS Divisional Commander was coordinating operations at the fire and working with the local RFB that was in attendance.⁸¹
- 3.11** Soon afterwards a member of the Goorianawa RFB arrived. By 5.30 pm additional NPWS officers and members of the Warrumbungles and Gummin RFBs were on the scene.⁸² Fire ground resources available at that time were estimated to have included seven NPWS staff and approximately three RFB category 7 units (light fire appliances), plus RFB crew with a firefighting trailer.⁸³
- 3.12** At 5.30 pm, the ground fire fighters reported that the eastern flank of the fire was unmanageable due to the steep and rocky nature of the terrain and it was not possible to see the head of the fire at the top of the hill. The same report stated that the western flank may remain manageable. The weather report from the fire ground at this time recorded the temperature at 42.9°C, humidity 19 per cent and wind at 13.3 km/hr.⁸⁴

6.00 pm

- 3.13** By 6.00 pm fire fighting crews on the fire scene included members of the Gummin, Goorianawa, Warrumbungles, Tonderbrine and Timor RFBs, along with five NPWS staff, a

⁷⁷ Submission 44, NSW Government, p 18.

⁷⁸ Submission 44, NSW Government, p 18.

⁷⁹ Answers to supplementary questions, Mr Bailey, p 2.

⁸⁰ Submission 44, NSW Government, p 19; answers to supplementary questions, Mr Bailey, p 2.

⁸¹ Submission 44, NSW Government, p 18.

⁸² Submission 44, NSW Government, p 18.

⁸³ Answers to supplementary questions, Mr Bailey, p 2.

⁸⁴ Submission 44, NSW Government, p 19.

water tanker and the NPWS Divisional Commander. The RFS Castlereagh Zone Operations Manager also attended the fire scene around this time.⁸⁵

- 3.14** At about 6.10 pm, in response to the 4.35 pm call for aerial support, the Tamworth RFS Rapid Aerial Response Team (RART) arrived in a helicopter. Between 6.00 pm and 7.00 pm the helicopter and two fixed wing aircraft bombers conducted water bombing operations.⁸⁶
- 3.15** At approximately 6.30 pm the NPWS Divisional Commander, NPWS and RFB crews and the RFS Operations Manager discussed the overnight strategy and crew requirements. It was agreed that only two RFB crews would be required to patrol the eastern and western sides of the fire for the night.⁸⁷ It was also agreed that no fire fighters would be fighting the fire overnight.⁸⁸

7.00 pm

- 3.16** At 7.15 pm the NPWS Duty Officer conferred with both the RFS North West Zone and the RFS Castlereagh Zone. A section 44 declaration was in place in the RFS North West Zone, which encompassed where the fire was located, however, geographically the fire was closer to the RFS Castlereagh Zone, which was not under a section 44 declaration at that time. It was therefore agreed that the RFS North West Zone Incident Controller would continue to manage the fire under the arrangements in place at that time while the RFS Castlereagh Zone be the contact point for the NPWS.⁸⁹
- 3.17** At 7.40 pm, the NPWS Incident Controller submitted a request to the RFS State Air Desk for aircraft for the morning of 13 January.⁹⁰

8.00 pm

- 3.18** At 8.00 pm NPWS officers entered a more detailed report into ICON.⁹¹ Further updates on the fires were uploaded to the system at 3.45 am, 10.10 am and 10.55 am on 13 January.⁹²
- 3.19** By 8.30 pm NPWS crews left the fire line. By that time the fire was burning in remote and steep terrain and had grown in size to an estimated 32 hectares.⁹³

9.30 pm

- 3.20** At 9.30 pm RFS State Operations provided the NPWS with a fire spread forecast map.⁹⁴

⁸⁵ Submission 44, NSW Government, p 19.

⁸⁶ Submission 44, NSW Government, p 19.

⁸⁷ Submission 44, NSW Government, p 19.

⁸⁸ Answers to supplementary questions, Mr Bailey, p 2.

⁸⁹ Submission 44, NSW Government, pp 19-20.

⁹⁰ Submission 44, NSW Government, p 23.

⁹¹ Submission 44, NSW Government, p 21.

⁹² Submission 44, NSW Government, p 20.

⁹³ Submission 44, NSW Government, p 20.

- 3.21** On the basis of the forecast map, NPWS officers reassessed and modified their strategy for the following morning. The initial strategy was for a direct attack on Sunday morning, using RAFT, supported by aircraft. This was revised to indirect attack by back burning from the John Renshaw Parkway, Canyon Camp access road, Camp Blackman access road, and the eastern side of the Northern Fire Trail,⁹⁵ in order to cut off the fire spread and confine the fire within the existing control lines.⁹⁶ The NPWS Incident Controller approved this approach.⁹⁷
- 3.22** At 10.30 pm two NPWS officers returned to the fire ground to clear debris from the Northern Fire Trail. Two small back burns were completed between Wambelong Creek and John Renshaw Parkway in conjunction with the RFB crews.⁹⁸

Sunday 13 January 2013

3.45 am

- 3.23** At 3.45 am NPWS uploaded the decision to conduct a back burning operation to ICON.⁹⁹

6.00 am

- 3.24** At 6.00 am the NPWS Incident Controller advised the RFS Castlereagh Zone that a back burning operation was planned and requested additional resources to assist.¹⁰⁰

7.45 am

- 3.25** Shortly before 7.45 am nine NPWS officers arrived at the fire ground and commenced the back burn. Two to three RFB crews assisted in keeping the fire within control lines.¹⁰¹

9.00 am

- 3.26** At 9.00 am the first aircraft requested the prior evening arrived to carry out water bombing.¹⁰²

⁹⁴ Evidence, Mr Mark Peacock, Director Western Branch, NSW National Parks and Wildlife Service, pp 29-30.

⁹⁵ Submission 44, NSW Government, p 22.

⁹⁶ Submission 44, NSW Government, p 22.

⁹⁷ Submission 44, NSW Government, p 22.

⁹⁸ Submission 44, NSW Government, p 20.

⁹⁹ Submission 44, NSW Government, p 22.

¹⁰⁰ Submission 44, NSW Government, p 22.

¹⁰¹ Submission 44, NSW Government, p 23.

¹⁰² Submission 44, NSW Government, p 23.

11.00 am

- 3.27** At 11.00 am the RFS Commissioner declared the Wambelong fire under section 44 of the *Rural Fire Act* and an Incident Controller was appointed to manage the fire.¹⁰³ A second aircraft arrived at approximately that time.¹⁰⁴
- 3.28** At 11.30 am the back burn was suspended at the request of the RFS. At that time, the back burn remained within the containment lines. Crews from NPWS and brigades remained at the fire ground to patrol it.¹⁰⁵

1.00 pm

- 3.29** Shortly after 1.00 pm the fire was reported to have crossed the John Renshaw Parkway at the western end of the fire ground, independent of the area where back burning operations had been conducted.¹⁰⁶

2.00 pm

- 3.30** At approximately 2.00 pm fire crews reported that the national park's visitor centre may be under threat. The two fixed wing bombers were redirected to the area with retardant.¹⁰⁷
- 3.31** At 2.45 pm the RFS Incident Controller issued an evacuation order for the Siding Springs Observatory.¹⁰⁸

3.57 pm

- 3.32** At 3.57 pm the Incident Controller issued an emergency warning (EW5 - the highest level of bush fire alert indicating that people may be in danger and need to take immediate action)¹⁰⁹ for the area along Timor Road from the observatory to approximately five kilometers west of Coonabarabran.¹¹⁰ An emergency alert message was also broadcast to residents in the area. In addition, the Incident Controller requested NSW Police Force and other emergency service personnel to commence door knocking and evacuate residents along Timor Road.¹¹¹

¹⁰³ Submission 44, NSW Government, p 24.

¹⁰⁴ Submission 44, NSW Government, p 23.

¹⁰⁵ Submission 44, NSW Government, p 24.

¹⁰⁶ Submission 44, NSW Government, p 24.

¹⁰⁷ Answers to questions on notice, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, *Section 44 Incident Controller's Report*, attachment 8, p 9.

¹⁰⁸ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 2.

¹⁰⁹ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 9.

¹¹⁰ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 9.

¹¹¹ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 2.

4.00 pm

- 3.33** Additional emergency warnings were broadcast via mobile phone and landline at 4.04 pm, 4.30 pm, 5.39 pm and 5.53 pm.¹¹²

6.00 pm

- 3.34** By 6.20 pm a total of 48 fire fighters (including 30 from the RFS, 14 from the NPWS and four from Fire and Rescue NSW) along with five helicopters were deployed to fight the fire.¹¹³

10.00 pm

- 3.35** At 10.37 pm the RFS Deputy Commissioner authorised the use of the standard emergency warning signal (SEWS) (a siren sound used by media outlets for emergencies or events of significance to alert and gain attention).¹¹⁴

Monday 28 January 2013

- 3.36** The section 44 declaration remained in force until it was revoked on Monday 28 January 2013.¹¹⁵

Thursday 21 February 2013

- 3.37** The Wambelong fire was declared out on Thursday 21 February 2013 after burning for 41 days.¹¹⁶

¹¹² Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 9.

¹¹³ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 9.

¹¹⁴ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 10.

¹¹⁵ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, p 3.

¹¹⁶ Submission 44, NSW Government, p 24.

Chapter 4 Impacts of the fire

The committee undertook a site visit to Coonabarabran and held a public forum with local community members. During this visit the committee heard from many individuals detailing their hardship and devastation caused by the Wambelong fire.

The Wambelong fire caused severe damage to the local community. Of the ninety five homes in its path, fifty three were destroyed, nineteen damaged and twenty three remained untouched. The loss of personal effects, treasured possessions, documentation and heirlooms was immeasurable. The impact on locals has been extensive with psychological, economic and cultural impacts that continue even now, twelve months since the event.¹¹⁷

This chapter focuses on these personal accounts and how the fire has impacted on the community as a whole. It commences with a snapshot of the damage caused by the Wambelong fire. It then details the impact of the fire on the Warrumbungle National Park, the adjoining property owners and the local community.

Snapshot

- 4.1** The Wambelong fire burned for 41 days and crossed multiple tenures. It was finally contained at 56,280 hectares which included: 22,085 hectares of national park (39.5 per cent of total burnt area); 32,352 hectares of private property (57.5 per cent of total burnt area); and 1,843 hectares of other tenure including Crown land (3 per cent of total burnt area).¹¹⁸
- 4.2** The Warrumbungle Shire Council provided the following statistics that represent the overall impact of the Wambelong fire on the community:
- 28 injuries to fire fighters (none critical)
 - 53 homes lost
 - 131 outbuildings lost
 - 33,060 ha (estimated) of pasture burnt
 - 850 sheep destroyed (estimated)
 - 320 cattle destroyed (estimated)
 - 700 km of fencing destroyed (estimated)
 - fence around Timor Dam (town water supply) was ruined at a cost of \$200,000.¹¹⁹

¹¹⁷ Submission 11, Coonabarabran Property Owners Alliance, p 27.

¹¹⁸ Submission 44, NSW Government, pp 10 and 24.

¹¹⁹ Submission 22, Warrumbungle Shire Council, p 3.

Warrumbungle National Park

4.3 The Wambelong fire impacted significantly on the Warrumbungle National Park with approximately 95 per cent of the park burnt.¹²⁰ The following assets within the park were lost or considerably damaged:

- visitors centre and surrounding associated infrastructure
- historic wool shed, shearers' quarters and associated infrastructure
- a number of toilet blocks including a rainwater tank
- picnic and BBQ areas including car parks
- walking tracks including paths, steps, bridges, bollards and an elevated walkway
- timber storage shed
- timber signs throughout the park and at the boundaries
- sewage pond linings
- internal and external fencing
- various materials at the Strathmore workshop and depot.¹²¹

4.4 On 1 February 2013, not long after the Wambelong fire was extinguished, the area received over 100mm of rainfall in less than 30 minutes. This caused flooding throughout the Park and extensive erosion and damage to infrastructure already damaged by the fire.¹²²

4.5 The Wambelong fire destroyed cultural and historical sites found within the area which are significant aspects of the national park. Mr Trevor Houghton highlighted the destruction of the important aboriginal sites and the town's history due to the fire:

Starting with the Aboriginal heritage that has been lost such as marked trees, rock artefacts, camp sites, and most of the 200 year plus trees that have been special to the Aboriginal people. Then there are the first settlers to the area, their history left behind in time e.g. old farm structures, stock yards, hand cut fence lines that went over the mountains, spring fed wooden stock troughs, old hand cut tree stumps with their own story to tell for future generations. Then came the new settlers and their dreams of new life style, building their unconventional hand crafted homes made from timber, stone and mud - many of these homes have been desecrated.¹²³

¹²⁰ Submission 44, NSW Government, p 10.

¹²¹ Submission 44, NSW Government, p 26.

¹²² Submission 44, NSW Government, p 28.

¹²³ Submission 8, Mr Trevor Houghton, p 2.

Flora and fauna

4.6 The Wambelong fire was unmatched in the history of the Warrumbungle National Park and caused significant loss to the landscape and ecology.¹²⁴ Mr Houghton, a neighbour of the Warrumbungle National Park for 31 years, highlighted the impact on flora and fauna:

My own observations and experienced opinion would suggest that approximately 95% of the animals in the Warrumbungle National Park were incinerated. Some even near to extinction. A number of these animals were already vulnerable such as the brush tail wallaby, koala, quail, glider possum, bandicoot, bats, various small birds, turquoise parrot and the Warrumbungle skink.¹²⁵

4.7 The author of submission 52 also emphasised the dramatic change in the landscape since the fire:

Some nineteen months after the fire we look out over our scarred landscape, once magnificent gums now resemble blackened hedges, they continue to become unstable and fall ... The wildlife in our access road is almost completely non-existent, the birdlife is only slowly returning now.¹²⁶

4.8 Many property owners described the horror of finding dead or dying wildlife when returning to their homes after the fire. The author of submission 52 returned to their property to find the road ‘littered with the burnt corpses of kangaroos and wallabies’ and commented that ‘there weren’t even any flies’.¹²⁷ Mr Jason Lawrence found the extent of deceased wildlife ‘astounding’ and included ‘kangaroos, birds of all types, possums, sugar gliders, goannas [and] lizards’ which he had to bury.¹²⁸

4.9 Following the Wambelong fire, the National Parks and Wildlife Service (NPWS) commenced a three year program to assess the impact of the fire on the national park. The program includes research on:

- fire behaviour
- fauna and flora
- soils and water quality
- cultural heritage.¹²⁹

4.10 The NPWS also commenced fauna recovery projects including the monitoring of brush-tailed rock wallabies and koala populations. They installed 300 nesting boxes for possums, parrots and micro bats and conducted work to control invasive weeds in the park.¹³⁰

¹²⁴ Evidence, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 15 September 2014, p 22.

¹²⁵ Submission 8, Mr Trevor Houghton, p 2.

¹²⁶ Submission 52, Name suppressed, p 4.

¹²⁷ Submission 52, Name suppressed, pp 2-3.

¹²⁸ Submission 50, Mr Jason Lawrence, p 3.

¹²⁹ Evidence, Mr Bailey, 15 September 2014, p 22.

¹³⁰ Evidence, Mr Bailey, 15 September 2014, p 22.

Weed growth

- 4.11** After the Wambelong fire and following the floods many weeds flourished and needed to be controlled by the use of expensive herbicides.¹³¹ The author of submission 52 spoke of the struggle to control the weeds that covered their land:

We now struggle to keep up in the battle with the spread of weeds, weeds we have never seen before. Our hills this last spring and summer were coloured mauve, covered completely by the dreaded Darling Pea.¹³²

- 4.12** Similarly, Mr Llewelyn Selmes, a property owner who lost everything in the fire, discussed how the heavy rain experienced after the fire caused the ‘unparalleled germination of the livestock toxic plant darling pea’.¹³³
- 4.13** Darling pea (*Swainsona* spp.) is a poisonous plant that is a risk to grazing livestock. The committee heard that many property owners subsequently lost stock due to this weed. Mr Stephen and Mrs Louise Knight advised that the ‘despair is ongoing due to the poisoning of our stock due to the huge growth of darling pea on our badly burnt country.’¹³⁴ The Meldrum-Poulton family observed that when feeding their remaining stock after the fire found ‘sheep paralysed and rotting from eating toxic weeds’.¹³⁵

Siding Springs Observatory

- 4.14** The Wambelong fire impacted on the Siding Springs Observatory which overlooks the eastern edge of the national park. Ms Christine Allard, Director, Facilities and Services Division, Australian National University (ANU), explained that the fire caused extensive damage to the observatory’s facilities, accommodation and infrastructure, but the observatory itself was spared:

The January 2013 fires destroyed the 19-bed lodge accommodation, the director’s cottage, the campus maintenance sheds, the 11 kilometres of water pipeline from Timor Dam as well as four pumping stations. On-site water tanks and sewer and electricity reticulation systems also sustained damage. Damage to the environmental aspects of the site was also considerable. It is estimated that the damage was in the vicinity of \$10 million.¹³⁶

- 4.15** Prior to the Wambelong fire, the ANU invested significant funds into protecting the observatory from bush fire as a result of lessons learnt from the 2003 fires in Canberra where the ANU’s Mount Stromlo Observatory experienced substantial damage. The ANU considers

¹³¹ Submission 11, Coonabarabran Property Owners Alliance, p 27.

¹³² Submission 52, Name suppressed, p 4.

¹³³ Submission 25, Mr Llewelyn Selmes, p 2.

¹³⁴ Submission 2, Mr Stephen Knight and Mrs Louise Knight, p 2.

¹³⁵ Submission 49, Meldrum-Poulton Family, p 1.

¹³⁶ Evidence, Ms Christine Allard, Director, Facilities and Services Division, Australian National University, 4 September 2014, p 38.

the damage sustained by the Wambelong fire was lessened as a result of these implemented strategies.¹³⁷

Tourism

- 4.16** As an iconic tourist attraction, the Warrumbungle National Park plays an important role attracting tourists to the Coonabarabran area. With the national park infrastructure destroyed by the Wambelong fire a reduction in visitors occurred.¹³⁸ Mr Steve Loane, General Manager of the Warrumbungle Shire Council advised that ‘our main tourism icon was destroyed and in many cases will never recover’.¹³⁹
- 4.17** The Coonabarabran Property Owners Alliance noted that the major infrastructure destroyed in the National Park ‘led to a massive reduction in tourism’ which in turn caused an ‘economic crippling of many businesses’.¹⁴⁰ Mr Procter Morris reflected that the list of impacts on the community from the Wambelong fire is very long, and one item on this list is the devastating impact ‘on tourism and local business’.¹⁴¹
- 4.18** The recovery program implemented within the national park to enable it to reopen to tourists is examined in chapter 9.

Property owners

A prisoner upon release from jail, no matter how long the sentence, can return home and gain comfort from familiar and treasured items and surroundings from their past ... bush fire victims, can go back to nothing familiar, even the landscape has changed. It is an emotional life sentence.¹⁴²

- 4.19** The Wambelong fire impacted on people’s lives, their families and their properties.¹⁴³ Fifty three homes, 64 out-buildings and 15 vehicles were completely destroyed. In addition to this 19 homes and a further 20 out-buildings suffered some form of damage.¹⁴⁴ However, it was not just homes that were lost. Many of the properties lost were productive farms where livestock, fencing, farm buildings, stockyards, machinery, pasture feed and fodder were destroyed and caused major loss of income for the property owners.¹⁴⁵

¹³⁷ Evidence, Ms Allard, 4 September 2014, p 38.

¹³⁸ Submission 11, Coonabarabran Property Owners Alliance, p 27.

¹³⁹ Submission 22, Warrumbungle Shire Council, p 2.

¹⁴⁰ Submission 11, Coonabarabran Property Owners Alliance, p 27.

¹⁴¹ Public forum, Mr Procter Morris, 3 September 2014, p 14.

¹⁴² Submission 33, Mr John Shobbrook, pp 2-3.

¹⁴³ Submission 11, Coonabarabran Property Owners Alliance, p 9.

¹⁴⁴ Submission 44, NSW Government, p 26.

¹⁴⁵ Submission 38, Mr Rod Young, p 1.

- 4.20** For instance, Mr Alan Imhoff, who is an adjoining property owner to the national park, stated he was ‘severely affected’ by the Wambelong fire, having lost two houses, 137 head of angus cattle breeders, 130 calves, 80 km of fencing and had approximately 10,000 acres burnt.¹⁴⁶
- 4.21** Another adjoining property owner, Mrs Kim Noonan, who is situated on the south eastern boundary of the Warrumbungle National Park, told the committee that the fire ‘engulfed the valley where my family, home and livestock were’. Mrs Noonan lost ‘over 50 km of the fencing, water tanks and polyline, a radiata pine forest, a small shed, sheep yards and 10 head of sheep plus some other assets’.¹⁴⁷
- 4.22** It was not only properties that directly joined the boundary of the national park that experienced damage. ‘The fire came out of the Warrumbungle National Park through a neighbour’s property and then onto our property’ advised Mr and Mrs Knight. The fire ‘devastated’ a portion of their property and ripped through 15 km of fencing and killed approximately 250 sheep.¹⁴⁸
- 4.23** Mr Morris described to the committee his experience of returning to his property after the devastation of the Wambelong fire:
- My returning home to our property on Sunday evening, finding and seeing everything burning, except for our home and nearby workshop/garage/shed, seeing the destruction of our own property. Seeing the destruction of the surrounding countryside—everything was alight ... Knowing that what we had spent 20 years developing had gone up in flames. Going to my neighbour’s property in the early hours of Monday morning and seeing it all lost. Heading down to the business side of their camp ground and extinguishing a fire in the function area and seeing their business burning and lost—they cannot reopen that business.¹⁴⁹
- 4.24** Neighbours to Mr Morris are the Meldrum-Poulton family who advised ‘emotionally and financially we have lost years of our lives’.¹⁵⁰ Their property, situated 20km from where the initial fire started, ‘evaporated’ when a ‘fire ball blew in and kept going’. Ms Meldrum stated ‘between my partner, my mother, our three children and myself we lost three houses, all the sheds, generations of belongings’.¹⁵¹ Compounding their devastation was the fact that the damage to their home and business was broadcast in the media long before they were able to view the property in person.¹⁵²
- 4.25** Mrs Margaret-Ann Cook, a retired mental health nurse, lived on Timor Road where she cared full time for her husband who suffered from Alzheimer’s disease. Their house was completely destroyed by the Wambelong fire, causing them to become homeless. Mrs Cook explained how her husband’s condition ‘deteriorated suddenly and rapidly’ after the fire:

¹⁴⁶ Submission 3, Mr Alan Imhoff, p 1.

¹⁴⁷ Submission 20, Mrs Kim Noonan, pp 1-2.

¹⁴⁸ Submission 2, Mr Stephen Knight and Mrs Louise Knight, p 1.

¹⁴⁹ Public forum, Mr Morris, 3 September 2014, p 13.

¹⁵⁰ Submission 49, Meldrum-Poulton Family, p 1.

¹⁵¹ Submission 32, Ms Heather Meldrum, p 1.

¹⁵² Submission 49, Meldrum-Poulton Family, p 1.

While the financial impact of the fire has been devastating to me it is the premature loss of my husband at home and his deterioration that has been the greatest loss of all and no degree of compensation can help.¹⁵³

- 4.26** Mr John Shobbrook described how ‘my home, my lifestyle and virtually all that I owned was totally destroyed in the Wambelong bush fire’. The photographs on the following page show the devastating impact of the fire on the Shobbrook’s home.¹⁵⁴ As Mr Shobbrook and his wife were in Brisbane when the fire ignited they were unable to save a single item from their house and garage:

Our free standing garage and everything in it was also lost – including every item that I had acquired for my retirement project to build an exact copy of the Morris Cooper S that had won the 1964 Monte Carlo Rally. Birthday and school photographs of our children, our wedding album, jewellery given to Jan by her grandmother, toys for the grandchildren that Jan had made by hand, my old Federal Bureau of Narcotics ID, diplomas, citations and other items from my law enforcement career, mementoes from the *Ellinis*, a ship that I had worked on in the 1960s, school projects that I had made whilst a primary school student at St. Josephs Convent School had all been destroyed. Photographs of my deceased parents were gone.¹⁵⁵

- 4.27** The author of submission 52 explained how it was not only the Wambelong fire that caused damage to properties but also ‘the customary predicted storm that always follows a wildfire’. With over 100 mm of rainfall in less than 30 minutes, fences that survived the fire were then damaged by the flood.¹⁵⁶ The speaker, during an interview in submission 14g, commented on how one property owner must have ‘felt after just about losing everything bar his home and a couple of acres then turning around a few days later and getting a flood like that.’ The speaker went on to ask, ‘How do you pick those people up?’¹⁵⁷
- 4.28** The case study on page 33 captures the extent of devastation and loss the Wambelong fire has caused to the Selmes family. Mrs Fiona Selmes explained how the Wambelong fire has ‘turned our lives upside down and destroyed everything we had. As a young family our land and stock were our future and in a split second it was all gone.’¹⁵⁸

¹⁵³ Submission 31, Mrs Margaret-Ann Cook, p 1.

¹⁵⁴ Submission 33, Mr John Shobbrook, p 6.

¹⁵⁵ Submission 33, Mr John Shobbrook, p 2.

¹⁵⁶ Submission 52, Name suppressed, p 3.

¹⁵⁷ Submission 14g, Warrumbungle Fire Action Group, p 8.

¹⁵⁸ Submission 24, Mrs Fiona Selmes, p 1.

Figure 4 Shobbrook property before the Wambelong fire



Submission 33, Mr John Shobbrook, photo of Shobbrook property 'Springbrook', Timor Road, Coonabarabran, p 6.

Figure 5 Shobbrook property after the Wambelong fire



Submission 33, Mr John Shobbrook, photo of Shobbrook property 'Springbrook', Timor Road, Coonabarabran, Monday 14th January 2013, p 6.

Case study – Mr Llewelyn and Mrs Fiona Selmes¹⁵⁹

In January 2010 my wife and I along with our 2 young sons moved to Coonabarabran with the intention of giving our previously purchased farm a go.

Our intentions were to put all we had into our stock, building up our numbers, start to do the farm up, and eventually build ourselves a home.

We struggled living in a caravan, later leasing the old farm house next door to our property. Work wasn't easy to find but we hung in there.

2012 it started to come together we both found employment and our cattle numbers were up to 132. We had purchased some stud dorper ewes which had just lambed and our boys loved their first lamb marking.

The boys were selling firewood to campers for pocket money and we were doing up an old barn for farm stay and hunters to use.

On Sunday January 13 2013 a fire ripped through our entire property of 3600 acres in a few hours, it was like the aftermath of an atomic bomb.

Everything was destroyed, our home, our ute, 2 quad bikes, our barn, fences and yards, pets and livestock. For us seeing our livestock - all the dorpers destroyed, the cows looking like hippos. It was that hot they didn't even have any hair, it was soul destroying and heart breaking.

We had no insurance, we took a gamble and put all we had into our livestock.

We were left homeless and helpless, having only what we could fit in the car.

Our neighbours, friends and the community have been amazing and helped us out a lot ...

The fire burnt that hot it destroyed all vegetation and wildlife. Then a week later we had very heavy rain. The flood conditions caused massive erosion, silting of dams, closing off springs, pollution of water, more damage to fencing and unparalleled germination of the livestock toxic plant darling pea.

We are left to get on with our lives and jobs in the aftermath of total devastation.

Coonabarabran Property Owners Alliance

4.29 The Coonabarabran Property Owners Alliance was formed following the Wambelong fire, with membership open to all property owners who were physically affected by the fire and who had experienced property losses from the event.¹⁶⁰ The Alliance has over 120 people¹⁶¹ from 57 household memberships that include family groups and individuals, a 16 member full committee and an executive committee of four.¹⁶²

4.30 Mr Stephen Lill, Co-Chairman of the Alliance, explained to the committee that the primary functions of the Alliance are 'to ensure that changes are made within the national parks system and culture to put out fires' and to 'seek fair and just compensation for the losses incurred by members as a result of this fire'.¹⁶³

¹⁵⁹ Submission 25, Mr Llewelyn Selmes, pp 1-2. This case study is based on the content of the submission.

¹⁶⁰ Submission 11, Coonabarabran Property Owners Alliance, p 5.

¹⁶¹ Evidence, Mr Stephen Lill, Co-Chairman, Coonabarabran Property Owners Alliance, 4 September 2014, p 14.

¹⁶² Submission 11, Coonabarabran Property Owners Alliance, p 5.

¹⁶³ Evidence, Mr Lill, 4 September 2014, p 14.

4.31 The Coonabarabran Property Owners Alliance provided an extensive list of property damage caused by the Wambelong fire:

On farms

Hundreds of cattle, sheep and domestic goats were killed by the fire.

Burial of stock, treatment of injured stock and recovery of stock straying because of no fences was at considerable cost and time.

Pastures capable of sustaining stock through the ensuing drought were destroyed.

Many kilometres of fencing, both boundary and internal, were destroyed.

Many farmers incurred considerable expense through agisting their stock and purchase of suitable fodder after the fire ...

Sheds and outbuildings were destroyed or damaged.

Farm machinery, such as tractors, pumps etc. were destroyed.

Irrigation lines were consumed by the fire.

Creeks and dams vital to the operation of these farms were choked with ash and silt in the ensuing deluge and rendered unusable.

Non farming – commercial

Bed and breakfast businesses were destroyed or damaged.

Holiday camps (one had just opened) have been all but wiped out by the fire. Private observatories were damaged and rendered unusable while available resources were diverted to save Siding Spring Observatory.

Fences, buildings, gardens and other infrastructure were damaged or destroyed.

Severe damage was caused to motel yards and infrastructure impacting on their ability to generate income.

General lack of visitors to the area resulted in greatly reduced turnover for most hospitality based businesses.

Hobby farms

Most hobby farms impacted by the fire suffered significant fencing and infrastructure losses.

Many homes complete with contents were lost.

Sheds and outbuildings and contents were destroyed or damaged.

Tractors and other farm type machinery were damaged or destroyed.

Pastures were destroyed for years to come.

Creeks and dams vital to the operation of these farms were choked with ash and silt in the ensuing deluge and rendered unusable.

Dead and dangerous trees continue to be a hazard to man and beast. Their removal is a colossal job and costly.

Lifestyle blocks

Many people (including retirees) who had laboured long and hard to build their own dream were devastated by the nightmare of the fire.

Many homes and their contents were completely lost.

Holiday shacks and holiday homes were destroyed.

Outbuildings and garages were consumed by the fire.

A great deal of fencing was destroyed in the fire.

A way of life was destroyed with many people unable to return to the area for psychological or economic reasons.

Friends and neighbours moved away. Pets and poultry were killed by the fire.

The majority of these people have spent the last 12 months, and will have to continue to do so repairing and restoring damage and loss caused by the fire.¹⁶⁴

Insurance

- 4.32** Of course, a very important factor in the extent of property owners' financial losses was their insurance coverage. The committee heard that insurance outcomes varied across property owners affected by the Wambelong fire. Mr Lill advised that 'some property owners have received satisfactory insurance outcomes ... others have been treated poorly by the insurance industry, while others have not been able to achieve adequate and affordable cover for their assets'.¹⁶⁵ Participants' concerns about aspects of the insurance system, based on their experience after the fire, are examined in detail in chapter 9.

Community

- 4.33** It was very apparent to the committee that the Wambelong fire has had a huge impact on the town of Coonabarabran and the surrounding community. Mr Morris expressed the view that the fire 'destroyed this community' and highlighted the difficult process of recovery:

The knowledge that the recovery process is going to take many years for the community and especially those directly affected to come to grips with what has happened to them, to work through the healing process, to put in place what needs to be done to plan, repair, replace, change and redo a vast number of items that have

¹⁶⁴ Submission 11, Coonabarabran Property Owners Alliance, pp 27-28.

¹⁶⁵ Evidence, Mr Lill, 4 September 2014, p 14.

impacted on their existence and their life and to continue down the road to recovery.¹⁶⁶

- 4.34** Many inquiry participants commented on the division the Wambelong fire has caused within the community. For example, author of submission 52 stated that ‘the fire had become so divisive that it had created division between those who were fire affected, the National Parks and Wildlife Service and the townspeople of Coonabarabran’.¹⁶⁷ Similarly, Mr Lill highlighted how ‘there are two sorts of people in this town: those who have been burnt and those who have not been burnt’ and recognized that he did ‘not want any division in this town’.¹⁶⁸
- 4.35** After the fire many individuals came together and formed groups working towards a shared goal. The Coonabarabran Property Owners Alliance is one of these groups who brought together ‘a small group of people who have been burnt’¹⁶⁹ fighting for ‘fair and just compensation’.¹⁷⁰ There is also the Warrumbungle Fire Action Group which was formed in the aftermath of the Wambelong fire by Mrs Carolyn Lyons. The group includes Brigade Captains and their wives and its goal is to ‘provide a representative and united voice concerning the way in which the fire was managed by the RFS and the NPWS’.¹⁷¹

Psychological impact

- 4.36** The committee heard that the Wambelong fire had a significant impact on the mental health of many community members.
- 4.37** Mr Lawrence B Dawson assisted affected property owners as a representative of BlazeAid and observed ‘psychological problems in the community’. He witnessed ‘expressions of anger, frustration, helplessness and despair’ and also ‘symptoms of depression ... with some withdrawing from community activities’.¹⁷² He described the direct impact on family relationships:
- 4.38** Further to this, Mr Dawson commented on the impact the ‘high handed and impractical approach of NPWS staff’ in relation to the replacement of boundary fences had on people’s mental health.¹⁷³ The issue of negotiations between the NPWS and property owners about the replacement of boundary fences was raised by many participants and is discussed in detail in chapter 9.
- 4.39** Mr Lill also highlighted the impact of the fire on the mental health of the community:

But the major and ongoing effect on those who have been burnt is the realisation of the gross ineffectiveness of the agency that is meant to protect the environment, the flora and fauna, and their neighbours. This loss of the sense of justice has led to

¹⁶⁶ Public forum, Mr Morris, 3 September 2014, pp 13-14

¹⁶⁷ Submission 52, Name suppressed, pp 3-4.

¹⁶⁸ Evidence, Mr Lill, 4 September 2014, p 19.

¹⁶⁹ Evidence, Mr Lill, 4 September 2014, p 19.

¹⁷⁰ Submission 11, Coonabarabran Property Owners Alliance, p 45.

¹⁷¹ Submission 14, Warrumbungle Fire Action Group, p 1.

¹⁷² Evidence, Mr Lawrence B Dawson, Representative, BlazeAid, 4 September 2014, p 47.

¹⁷³ Submission 16, Mr Lawrence B Dawson, pp 2 and 7.

widespread psychiatric issues, depression and withdrawal from the community involvement.¹⁷⁴

- 4.40** Numerous property owners directly affected by the Wambelong fire described how emotionally and mentally it has impacted on their life. Ms Noonan talked about the destruction to her property ‘together with devastating sense of loss, mental anguish and physical toll’ and described how it ‘leaves me cold’.¹⁷⁵ Mr Lawrence reflected on ‘looking around at the carnage and feeling hopeless I can’t describe the feeling’.¹⁷⁶ Mr Morris also commented on the ‘stress that people are under’ and ‘that so many are suffering depression from what they have been through’.¹⁷⁷ Mrs Selmes explained the impact the fire has had emotionally on her family:

To put a price on the mental and emotional stress of the last 12 months is impossible. For us and our children it has been horrendous and heart breaking. We are lost and not sure where to turn next.¹⁷⁸

- 4.41** Mrs Lyons, a Representative of the Warrumbungle Fire Action Group, interviewed seven Brigade Captains who she described as ‘exhausted, traumatised and incapable of putting together a movement for change’.¹⁷⁹ The transcripts provided from these interviews highlighted the impact the Wambelong fire had on property owners’ mental health, with Mrs Lyons noting that:

This fire has also had a significant impact on the mental health of local farmers, which I believe has not been adequately addressed.¹⁸⁰

- 4.42** In other interviews, Mrs Lyons recounted how one woman found it difficult to go into town and see impacted community members who would start crying. She continued to explain how she ‘would try desperately not to cry and just be supportive of them’ whilst they were ‘sobbing in your arms or in the main street’. On returning home the woman would have a ‘headache – just trying not to cry’ and expressed the view that it was ‘much easier staying at home’.¹⁸¹
- 4.43** In submission 14e, Mrs Lyons questioned a male and female on the suffering experienced by friends as a result of the Wambelong fire:

Male: I think there are some people there that are really hurting but they’re too proud to go and get help. I know a couple of friends. Mainly tortured and scared and they’re just too proud - they won’t go and get help.

Female: It’s not only the men, it’s the women who have to support those men.

Carolyn: So you would know a few of these women who really found it difficult?

¹⁷⁴ Evidence, Mr Lill, 4 September 2014, p 14.

¹⁷⁵ Submission 20, Ms Kim Noonan, p 4.

¹⁷⁶ Submission 50, Mr Jason Lawrence, p 3.

¹⁷⁷ Public forum, Mr Morris, 3 September 2014, p 14.

¹⁷⁸ Submission 24, Ms Fiona Selmes, p 2.

¹⁷⁹ Submission 14a, Warrumbungle Fire Action Group, p 1.

¹⁸⁰ Submission 14, Warrumbungle Fire Action Group, p 1.

¹⁸¹ Submission 14c, Warrumbungle Fire Action Group, p 17.

Female: Well I think so; they have not actually disclosed anything; I can feel for them; just little things they say tell they are suffering with the husband because he is suffering. They don't go and access the help. They don't believe there is a problem, possibly don't know, or it's the stigma attached to mental health label. They need counselling, they need help, but they possibly don't see that they are mentally disturbed.¹⁸²

- 4.44** Mrs Lyons commented that people in the cities and towns 'think the fire's gone so everything is back to normal again' but 'don't think about the trauma and emotional drain'.¹⁸³ She described how the psychological impact from the Wambelong fire continues to be an issue and called for extra resources to help address the mental health problems:

The pain, loss and suffering emanating from these experiences is a given, but believe me it is ongoing. I can see that we need a mental health team for this area, and I will organise one.¹⁸⁴

- 4.45** The committee heard that the recovery centre established in the Coonabarabran Community Centre Hall after the fire performed a very important service in providing mental health support for community members, as has the Warrumbungle Shire Council following the centre's closure. We also heard – and observed for ourselves as a committee – that some community members continue to need emotional and mental support.¹⁸⁵ These issues are discussed further in chapter 9.

Warrumbungle National Park staff

- 4.46** The NPWS and in particular the local NPWS staff share the significant personal, community, and environmental impacts of the Wambelong fire.¹⁸⁶ Mr Terry Bailey, Chief Executive of the Office of Environment and Heritage, discussed the impact on the Service's staff:

The second component in an incident like this is the impact on our staff and the impact that that has for them at a personal level. It is interesting meeting and talking with our staff who have been involved in this, again at a personal level. They do think about the actions, the activities and the things that they did on the day. Rightfully, as I said in the opening statement, I am very confident that they did what they should have done, but it does serve a very strong local impact in terms of the considerations for them. Recognising as an organisation that we are in about 220 locations in New South Wales, we are a big part of a lot of rural communities and contribute significantly to a lot of rural communities. It is very complex and very difficult when you are in those circumstances in your local community.¹⁸⁷

¹⁸² Submission 14e, Warrumbungle Fire Action Group, pp 2-3.

¹⁸³ Submission 14f, Warrumbungle Fire Action Group, p 3.

¹⁸⁴ Public forum, Mrs Carolyn Lyons, Representative, Warrumbungle Fire Action Group, 3 September 2014, p 7.

¹⁸⁵ Submission 22, Warrumbungle Shire Council, p 2.

¹⁸⁶ Submission 44, NSW Government, p 10.

¹⁸⁷ Evidence, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 15 September 2014, p 34.

4.47 A number of inquiry participants commented on the losses felt by local NPWS staff. For example, Mrs Jane Judd, a member of the NPWS Regional Advisory Committee, advised that ‘they lost years of work on the tracks and on park infrastructure years of planning and, for many, a lifetime of commitment’.¹⁸⁸ Similarly, Councillor Shinton discussed how those who worked in the national park felt the same devastation as the rest of the community and stated ‘I have comforted people who lost everything in the fire but believe it or not that includes people on both sides of the fence’.¹⁸⁹

4.48 Mr Stephen Wallace, a volunteer rural fire fighter in Coonabarabran who fought the Wambelong fire and works in the welfare field expressed strong concerns for the emotional wellbeing of local NPWS staff:

Recently I attended a reunion of the first anniversary of the Wambelong fire. I was shocked at the emotional and psychological fragility of National Park workers. They feel the unspoken and sometimes outright blame of community hostility over the fire that occurred. As a fellow fire fighter I observed their tireless, fearless and ongoing efforts to fight the fire over many weeks, battling fatigue, exhaustion and worried about their own families and homes whilst out fighting the fire. As an experienced welfare worker I am alarmed at the extent of emotional damage these folks are now carrying. I cannot emphasise enough I have grave fears at this time.¹⁹⁰

4.49 Mr Wallace also suggested that ‘all National Park persons should now receive compulsory group and individual counselling work’.¹⁹¹

Financial costs to the public sector

4.50 The committee heard that it was not only the psychological impact that affected the Coonabarabran community but also the financial hardship that followed the Wambelong fire. The Warrumbungle Fire Action Group questioned the financial costs:

What was the operational cost incurred by the RFS in controlling the fire? What were the costs associated with the aftermath and the recovery?¹⁹²

4.51 The committee does not have information on the costs to the NPWS and RFS arising from the Wambelong fire, but the Warrumbungle Shire Council described how the Wambelong fire ‘has come at a great expense to the council financially’, with a total dollar impact on the council of \$2.6 million, of which \$528,000 has not been recovered. It noted that, ‘Regional councils cannot sustain a financial hit of this magnitude without service levels suffering.’¹⁹³ This issue is explored in detail in chapter 9.

¹⁸⁸ Submission 12, Mrs Jane Judd, p 2.

¹⁸⁹ Submission 23, Cr Peter Shinton, p 2.

¹⁹⁰ Submission 21, Mr Stephen Wallace, p 1.

¹⁹¹ Submission 21, Mr Stephen Wallace, p 1.

¹⁹² Submission 14, Warrumbungle Fire Action Group, p 11.

¹⁹³ Submission 22, Warrumbungle Shire Council, pp 2-3.

Building community

- 4.52** On a more positive note, the committee heard that many government agencies, members from surrounding communities and volunteers came together to assist those impacted by the Wambelong fire. The Mayor of Warrumbungle Shire Council, Councillor Shinton, highlighted the assistance received:

And on the positive side we saw the great efforts of the fire fighters both in the air and on the ground; the volunteers producing food, manning the radios and generally keeping the fire fighting effort focused; unbelievable generosity and concern for the victims – not only by locals but Australia wide; and of course the efforts of Essential Energy, the Shire, [Volunteer Rescue Association] and BlazeAid to try and get us back to some semblance of normality.¹⁹⁴

- 4.53** The very substantial contribution of the volunteer based organisation, BlazeAid, in assisting the community's recovery after the fire is discussed in chapter 9.

- 4.54** Another positive note was the outcome of a strong sense of camaraderie and community among those who battled the fires:

I was listening to people talk about the fires afterwards; they talked about the camaraderie of it. They thought they were fighting together, they were eating together and sometimes sleeping on the ground together and they really enjoyed the camaraderie of it. So that's been a very special thing; and they probably got to know people in the community that they hadn't had a lot to do with before. So there have been some really strong positive points come out of the fire like that; and just how wonderful, how generous people have been with their time ... We are very fortunate to live in a small community where everyone knows each other so well and are willing to step in and help.¹⁹⁵

- 4.55** Many people expressed their gratitude and thanked those who assisted them in their time of need. Mr Ron Sullivan expressed his gratitude as follows:

I would like to thank everybody that donated towards the Mayor's fund and the fund that was raised by the Coonabarabran Jockey Club. They did an excellent job and I am sure they were well received. Thank you.¹⁹⁶

- 4.56** The author of submission 52 stated:

During the following weeks and months we received assistance from Centrelink, the Mayors Fund, St Vincent de Paul, Red Cross, The Salvation Army, Rotary, Blaze Aid, The Coonabarabran Jockey Club, and the Lions Club and were given handmade quilts by The Women's Clubs. We were and will forever be truly grateful to them all.¹⁹⁷

¹⁹⁴ Submission 23, Cr Peter Shinton, p 2.

¹⁹⁵ Submission 14c, Warrumbungle Fire Action Group, pp 13-14.

¹⁹⁶ Public Forum, Mr Ron Sullivan, 3 September 2014, p 10.

¹⁹⁷ Submission 52, Name suppressed, p 3.

- 4.57 Similarly, Mr Jason Lawrence acknowledged the ‘wonderful’ support of charitable organisations, explicitly thanking the Coonabarabran Jockey Club, Rotary, Lions and the Uniting Church for their cash donations to his family, which provided money to live off and pay bills after the fire.¹⁹⁸
- 4.58 The Coonabarabran Property Owners Alliance thanked government agencies for their assistance during and after the fire:

Affected property owners are grateful of the assistance of Govt Agencies in the initial and follow up phase. While there may have been the odd angry word at the time, the actions and support of the Police, Electricity Supplier, Public Works, Health System, Regional Assistance Authority has been appreciated, timely and fair.¹⁹⁹

- 4.59 Finally, Mr Terry Bailey, Chief Executive of the Office of Environment and Heritage expressed his appreciation for the assistance provided to the NPWS:

I also take this opportunity to acknowledge and thank the support NPWS has received from the local council, from the Rural Fire Service, from neighbours and local community groups during and after the fire.²⁰⁰

Committee comment

- 4.60 The committee was deeply shocked by the magnitude of destruction and damage caused by the Wambelong fire and is extremely concerned about the many individuals who continue to suffer emotionally and financially.
- 4.61 In chapter 9 we revisit a number of issues raised in this chapter when we examine various aspects of the recovery process following the fire, including the rehabilitation of the national park, the restoration of boundary fences, insurance, costs to local government, and the adequacy of mental health and other services provided since the fire. There we make a number of recommendations to assist the recovery process that continues in and around Coonabarabran and in similar future events.
- 4.62 At this stage the committee particularly acknowledges the enormous emotional impact of the Wambelong fire upon many community members, including NPWS staff, as well as the profound impact that it has had on the community itself. The views documented in this chapter regarding the mental health and wellbeing of the community after the fire build a concerning picture of the psychological impact this disastrous event has had.
- 4.63 The Committee would also like to place on the record its thanks and appreciation to all those who have assisted in the fire fighting and recovery effort.

¹⁹⁸ Submission 50, Mr Jason Lawrence, p 3.

¹⁹⁹ Submission 11, Coonabarabran Property Owners Alliance, p 33.

²⁰⁰ Evidence, Mr Bailey, 15 September 2014, p 22.

Chapter 5 Hazard reduction prior to the fire

This chapter is the first of two that explore the factors that contributed to the outbreak of the Wambelong fire and its immense strength. Because the fire broke out within the Warrumbungle National Park, many participants' concerns focused on the National Parks and Wildlife Service (NPWS). Others fall within the responsibilities of the NSW Rural Fire Service (RFS).

This chapter examines in detail a matter considered by very many inquiry participants as a significant causal factor in the ferocity of the fire: the high fuel load of dry wood and vegetative litter within the national park and correspondingly, the inadequacy of fire hazard reduction burning in the park and surrounding areas prior to the fire.

The following chapter considers a closely related issue: the state and comprehensiveness of fire trails and fire breaks within the park, as well as a number of other factors that participants consider contributed to this megafire.

Terminology

- 5.1** Bush fire hazard refers to the potential severity of a bush fire, which is determined by fuel load, fuel arrangement and topography under a given climatic condition.²⁰¹
- 5.2** According to the RFS, bush fire fuel is vegetation that will burn, with the most hazardous fuels being those that will burn during the intense initial passage of the fire front such as dead or dry leaf litter, grass, twigs (less than 6 mm in diameter) and bark that gathers on the ground or is suspended in the shrub layer of a bushland area.
- 5.3** The rate of spread and behaviour of a fire is affected by both:
- fuel load - the quantity of fuel (usually expressed in tonnes per hectare of fine fuel), with more fuel producing a hotter fire
 - fuel structure - the arrangement of shrubs and litter fuels, with fire spreading more easily through a continuous fuel layer as shrubs, loose bark and vines provide a ladder for fire to climb into trees.²⁰²
- 5.4** Hazard reduction via controlled or prescribed burning is the key means by which fuel load is reduced or modified, thereby mitigating the spread of bush fires.²⁰³ Other methods of hazard reduction include mechanical clearing by slashing undergrowth, and reducing the ground fuel by hand.²⁰⁴

²⁰¹ NSW Rural Fire Service, Dictionary/Terminology, <http://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/dictionary-terminology>.

²⁰² NSW Rural Fire Service, *Standards for low intensity bush fire hazard reduction burning*, http://www.rfs.nsw.gov.au/__data/assets/pdf_file/0011/13322/Standards-for-Low-Intensity-Bush-Fire-Hazard-Reduction-Burning.pdf.

²⁰³ NSW Rural Fire Service, Dictionary/Terminology, <http://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/dictionary-terminology>.

²⁰⁴ NSW Rural Fire Service, Hazard reductions, <http://www.rfs.nsw.gov.au/fire-information/hazard-reductions>.

- 5.5 The objective of hazard reduction is to reduce, but not totally remove, the amount of fine fuel and to modify the fuel structure.²⁰⁵
- 5.6 The establishment and maintenance of fire breaks on land to reduce hazards are discussed in the following chapter, along with fire trails.

High fuel loads

- 5.7 A significant portion of the evidence gathered during this inquiry focused on hazard reduction burning as a means of reducing fuels loads and preventing wildfires. Here the committee explores participants' opinions about high fuel loads, starting with the significant loads that were reported to be in the national park prior to the Wambelong fire.

Within Warrumbungle National Park

- 5.8 A very substantial number of inquiry participants observed that the fuel loads within the Warrumbungle National Park in the period leading up to the fire were very high, and argued that the NPWS had been irresponsible in allowing them to build up over a long period.
- 5.9 The Coonabarabran Property Owners Alliance, for example, advised the committee that some parts of the park had seen no hazard reduction for over 60 years, such that fuel loads had built up to 'massive levels'.²⁰⁶ Two wet years preceding the fire had also contributed to a high fuel load on the ground in many areas.²⁰⁷ The Alliance consequently described the park as 'a tinderbox waiting to occur'.²⁰⁸
- 5.10 Dr Christine Finlay, a researcher whose PhD is in bush fire management, reported that she was in the park the week prior to the fire and was so 'horrified' by the fuel loads she observed there that she decided to camp somewhere else:

I went on a short camping trip in the first week of 2013 and decided to camp in a state forest after driving through the Warrumbungle National Park, where I was horrified to see fuel loads high enough to produce a fire so hot it could kill onlookers from 120 metres away in minutes if they were not wearing protective clothing. There was no way I would enjoy a relaxed bush holiday there ... In that first week of 2013, the park's bush was so dense you could not walk through it. Beneath towering gums were banks of dead branches, blackberries, peeling bark and other scrub. These banks of undergrowth were an extreme fire hazard capable of producing the hottest fire possible and are known as elevated fuel. Below this elevated fuel was a leaf litter layer 3—30cm deep resting above the non-combustible mineral soil. Research shows that leaf litter layers over 5cm deep would have produced firestorms in extreme conditions in the park's topography, even without the added heat of elevated fuel.²⁰⁹

²⁰⁵ NSW Rural Fire Service, *Standards for low intensity bush fire hazard reduction burning*, http://www.rfs.nsw.gov.au/__data/assets/pdf_file/0011/13322/Standards-for-Low-Intensity-Bush-Fire-Hazard-Reduction-Burning.pdf.

²⁰⁶ Submission 11, Coonabarabran Property Owners Alliance, p 10.

²⁰⁷ Submission 11, Coonabarabran Property Owners Alliance, p 10.

²⁰⁸ Submission 14, Warrumbungle Fire Action Group, p 1.

²⁰⁹ Submission 42, Dr Christine Finlay, pp 1-2.

- 5.11** Mr Trevor Houghton, former RFS Deputy Captain and Captain of the fire team at Siding Spring Observatory, recounted that over time he saw a build up of fire prone plants in the national park which NPWS staff did not seem to view as hazardous. He identified certain parts of the park as especially problematic:

Over a number of years, I noticed a surge in the growth of cypress pine and other fire prone plants. This was directly due to the lack of controlled burns in and around the Warrumbungle National Park. On a number of occasions I mentioned this to the park officers and their rebuff answers were “the Warrumbungle is a slow burn park, the trees will not support crown fires, natural decay will control the bush litter, the budget only allows for asset management.”²¹⁰

- 5.12** Another long term local who lost his house, sheds and many possessions in the fire, Dr Simon Pockley, reported that he and others regarded a large fire as inevitable because the NPWS no longer carried out controlled burning within the park:

Local wisdom has always been that it’s better to burn regularly and put up with occasional break-outs than not to burn at all. When the park stopped fuel reduction burning it was inevitable that there would be a big fire. We were expecting something major.²¹¹

- 5.13** Another inquiry participant noted that the collection and burning of firewood collected in the park is prohibited. Campers have to bring their own firewood in. This means that no twigs, sticks and logs are ever collected by campers and hence dead vegetation was allowed to build up around camping infrastructure.²¹²

Fuel load an identified causal factor in other large bush fires

- 5.14** Drawing a parallel between the Wambelong fire and other major fires in recent memory, several participants observed that inadequate fuel reduction was highlighted as a significant factor in a number of bush fire inquiries in Australia. For example, the Volunteer Fire Fighters Association submission quoted the 2003 report of the House of Representatives Select Committee on the Recent Australian Bushfires, which stated, “The Committee heard a consistent message right around Australia: ... There has been grossly inadequate hazard reduction burning on public lands for far too long.”²¹³ In evidence, Mr Brian Williams, Vice President of the Association, asserted, “I am concerned that out of those inquiries the common theme was lack of hazard reduction.”²¹⁴

- 5.15** Similarly, in its submission the Warrumbungle Fire Action Group, comprised of a number of captains, deputy captains and their wives from the Warrumbungle area, cited the researchers Kanowski, Whelan and Ellis regarding the lessons from numerous previous Australian inquiries into bush fire events:

²¹⁰ Submission 8, Mr Trevor Houghton, p 1.

²¹¹ Submission 27, Dr Simon Pockley, p 1.

²¹² Submission 14e, Warrumbungle Fire Action Group, pp 3-4.

²¹³ Select Committee on the Recent Australian Bushfires, *A Nation Charred: Inquiry into the Recent Australian Bushfires*, House of Representatives, 2005, quoted in submission 40, Volunteer Fire Fighters Association, p 2.

²¹⁴ Evidence, Mr Brian Williams, Volunteer Fire Fighters Association, 15 September 2014, p 12.

The inquiries which followed the 2002-2003 bush fire season explored many of the common themes which had emerged from the preceding 13 inquiries into significant bush fire events in Australia since 1939. These include the importance of risk reduction, particularly through fuel reduction; ... of access for fire fighting; and of the adequacy of resources for bush fire mitigation and management.²¹⁵

5.16 The Action Group went on to quote the 2005 report of the Council of Australian Governments (COAG) inquiry on Bushfire Mitigation and Management, which concluded, 'There is compelling evidence to show that a reduction in fuel loads in bushland environments will reduce fire intensity and modify fire behaviour. This is the only cost effective way to achieve fuel reduction in large areas of the landscape.'²¹⁶

5.17 The Australian Forest Products Association, the peak body for the forests, wood and paper products industry, also noted multiple bush fire inquiries as having canvassed this issue:

Over the past decade there have been numerous state and national public inquiries into the inadequacy of bush fire mitigation including inadequate levels of fuel reduction, particular in formal conservation areas (e.g. national parks).²¹⁷

5.18 In his submission and oral evidence, Mr Vic Jurskis, a retired silviculturist with a particular interest in fire management and forest health, asserted that inadequate hazard reduction burning on public lands 'was the fundamental cause of each and every megafire that has occurred in Australia'²¹⁸ since 1851.²¹⁹

How high fuel loads lead to fire storms

5.19 Mr Jurskis argued that aside from a lack of access, resources and commitment to a quick response (issues explored in detail in the following chapter), the cause of the Wambelong megafire was a '[]jack of fuel management, leading to woody thickening, three dimensionally continuous fuels and inevitable firestorms.'²²⁰ In evidence, he explained the term 'three dimensionally continuous fuels' and how they lead to firestorms:

It is continuous in the horizontal plane so there is nothing to stop a fire running and it is continuous in the vertical direction so that fire runs up in the crowns. Then you get a crown fire and you get long-distance spotting. You get firebrands travelling for kilometres. Once you get a firestorm you have a huge convection column that is throwing spot fires way ahead of it. ... Once you get the fire in under that shrub

²¹⁵ Kanowski, Whelan and Ellis, *Australian Forestry* (2005) 68 (2) p 76, quoted in submission 14, Warrumbungle Fire Action Group, p 2.

²¹⁶ Council of Australian Governments, *Report of the National Inquiry on Bushfire Mitigation and Management*, p 105, quoted in Submission 14, Warrumbungle Fire Action Group, p 6.

²¹⁷ NSW Parliament Joint Select Committee on Bushfire, inquiry into the 2001/2002 Bushfires, House of Representatives Select Committee on the Recent Australian Bushfires 2003, Council of Australian Governments national inquiry on bushfire mitigation and management 2004, Royal commission into the Victorian bushfires 2009, Senate select committee inquiry into bushfires 2009, cited in submission 7, Australian Forest Products Association, p 4.

²¹⁸ Submission 6, Mr Vic Jurskis, p 1.

²¹⁹ Evidence, Mr Vic Jurskis, 15 September 2014, p 2.

²²⁰ Submission 6, Mr Vic Jurskis, p 4.

canopy then it explodes upwards into the crowns and whatever trees are left and it develops into firestorms normally.²²¹

- 5.20 Mr Jurskis further explained that the less frequent the burning, the more intense the fire. Left ungrazed or unburned, the country will turn into scrub, and ‘If you have long intervals between fires, inevitably your prescribed burns are going to be intense fire.’²²²

History of landscape burning in Australia and the Warrumbungle National Park

- 5.21 Mr Jurskis detailed the history of burning in Australia, in which the woodlands and their accompanying flora and fauna were dependent on frequent mosaic burning by Aboriginal people:

Fuels were burnt as soon as they were sufficiently continuous and dry. There was an open, grassy, seasonally flammable matrix containing sites such as rock outcrops that had little or no fuel to carry fire, and recently burnt patches with little fuel or green fuel. Brown, black or green patches formed a fine grained mosaic within a coarser landform mosaic of grassland, savanna, forest and small scattered scrubs or heaths on sites that are unsuitable for trees and grass. Aborigines created and enhanced the mosaics by burning according to season and site. Exposed areas were burnt before more sheltered areas because they could be. Brown, black or green patches couldn’t be burnt. By the time sheltered areas were hot and dry enough to burn they were surrounded by black or green areas so fires didn’t escape.²²³

- 5.22 According to Mr Jurskis, despite early explorers and naturalists’ recognition of the effectiveness of Aboriginal burning, early in the twentieth century European trained foresters sought to exclude fires, setting the scene for the Black Friday fires of 1939 and other disasters. By the middle of the twentieth century, foresters were learning from this experience and broad area hazard reduction burning and aerial ignition were introduced. In addition, foresters established and maintained comprehensive networks of trails, as well as lookouts and resources on standby for quick response to manage wildfires. However, after the Warrumbungle National Park was declared in 1954 these practices discontinued over time. He reported that major fires now occur every 19 years in the area.²²⁴
- 5.23 In her submission, Dr Finlay noted how Aboriginal people ‘managed the bush with no boots or even a box of matches. They taught early settlers these skills and oldtimers still remember a fuel-reduced firestorm-free past that cost the whiff of an oily rag.’²²⁵
- 5.24 Other inquiry participants such as Mr Rod Young, Deputy Group Captain in the Purlewaugh district, informed the committee of how grazing assisted as a technique in the management of fire loads in the area. He wrote of having spoken with a fourth generation farmer from the Warkton Valley, born in 1926, who described taking cattle through what is now Warrumbungle National Park, at the same time carrying out regrowth control, digging up

²²¹ Evidence, Mr Jurskis, 15 September 2015, p 4.

²²² Evidence, Mr Jurskis, 15 September 2015, p 6.

²²³ Submission 6, Mr Vic Jurskis, p 2.

²²⁴ Submission 6, Mr Vic Jurskis, p 1.

²²⁵ Submission 42, Dr Christine Finlay, p 4.

seedlings and running small hazard reduction burns. To the farmer's recollection, much of the national park had not been burned or grazed for 60 years.²²⁶

A shift away from bush fire prevention

- 5.25** Several inquiry participants argued that there was a move away from bush fire prevention to suppression. The Volunteer Fire Fighters Association argued that despite their immense budgets, the RFS and NPWS spend very little on hazard reduction, despite the known cost effectiveness of these activities.²²⁷ Mr Brian Williams, Vice President, condemned what he saw as the move away from prevention to response on the part of the RFS, underscoring that it has not only contributed to the devastation of national parks, but also places fire fighters' lives at risk:

My big concern over the years has been that we have changed from a preventative fire force into a reactive fire force. The environment has paid an enormous cost because that has happened. I am concerned as a Divisional Commander. I can have up to 100 people under my control in a big fire. I am very concerned for their safety. The fuel loads are getting to a level where you really are worried about the safety of the people on the ground. I think it is insanity that we are incinerating one or two of our iconic national parks every summer. It is madness; it is not sustainable into the future.²²⁸

- 5.26** The Australian Forest Products Association (AFPA) also claimed that there has been too great an emphasis on fire suppression and insufficient focus on broad scale prevention:

AFPA has long advocated that ongoing active fuel reduction in identified priority areas, is critical to long-term bush fire mitigation in Australia. Further, there has been too strong a focus on fire suppression in isolation, rather than the associated importance of active fire prevention activities conducted on a landscape scale.²²⁹

The 'burning is harmful' theory and scientific evidence

- 5.27** Numerous participants contended that a reluctance to conduct hazard control burns has now become deeply embedded in NPWS philosophy and policies, and is thus an issue across the state and beyond.
- 5.28** Mr Jurskis contended that the reluctance to burn is based on theories emerging in the early 1980s that burning, grazing and logging are ecologically harmful. He proposed that since that time, most public land in southern Australia has been converted to national park and 'mismanaged' according to this myth. He argued that, NPWS 'tries to minimize burning across all tenures using a ridiculous, disproven theory that frequent burning threatens biodiversity.'²³⁰

²²⁶ Submission 38, Mr Rod Young, p 4; see also Mrs Juleen Young, submission 39, p 2.

²²⁷ Submission 40, Volunteer Fire Fighters Association, p 10; answers to supplementary questions, Mr Cannon, President, Volunteer Fire Fighters Association, pp 1-2.

²²⁸ Evidence, Mr Williams, 15 September 2014, p 13.

²²⁹ Submission 7, Australian Forest Products Association, p 3.

²³⁰ Submission 6, Mr Jurskis, p 2; evidence, Mr Jurskis, 15 September 2015, p 2.

- 5.29** According to Mr Jurskis, authorities' reluctance to burn is accompanied by the destruction of fire trails either deliberately or through lack of maintenance. He went on to argue that the 'burning is harmful' myth has actually caused many environmental problems:

All environmental problems in Australia come down to the wilderness mentality. We had a balance of nature that was established by and included human management. We had that going for 40,000 years and European people came along and interfered with it and we had scrubs and mega-fires and chronic decline and all the rest of it. These days we have people who see scrubs as biodiversity. They do not understand that it is just biomass; it is not diversity.²³¹

- 5.30** Both Mr Jurskis and Dr Findlay asserted that this 'wilderness theory' is countered by quality evidence. Dr Findlay argued that close inspection of research which claims to prove that 'mother nature' knows best (which she suggested is favoured and sponsored by NPWS) actually disproves the theory. She asserted that at best, the mother nature research lacks rigour and goes against a large body of evidence gathered over 75 years that low fuel loads and rapid response in extreme conditions will break the escalating firestorm cycle, and that Aboriginal people taught the early settlers to hazard reduce to avoid firestorms.²³²

- 5.31** According to Mr Jurskis, the research actually shows that, 'If you restore the open bush that can be burnt in mild conditions you restore all the biodiversity, all the plants that are being choked out ... There is no study that shows that frequent low intensity burning is going to eliminate anything and there are a lot of studies that show that the current regime is eliminating lots of things.'²³³

- 5.32** Mr Jurskis advised the committee that the research put forward by proponents of long minimum intervals between burns is actually primarily about the effects of high intensity wildfires and 'clearly shows that fires favour large shrubs over smaller species where all the diversity is. History shows that those large shrubs have taken over the planet.'²³⁴ He further reported that 'genuine scientific research' affirms the value of frequent mild burning:

Genuine scientific research into fire ecology and management confirms that biodiversity, forest/woodland health, and fire safety depend on frequent mild burning. Lack of burning, or its ecological analog – grazing, leads to accumulation of three dimensionally continuous fuels, changes in soils and microclimate, and deteriorating health and resilience to fire and drought of old trees. In dry eucalypt forests, burning at intervals of three to six years has been shown to enhance biodiversity, forest health, and fire safety, whereas burning according to NPWS guidelines has been shown to achieve the opposite.²³⁵

Benefits of prescribed burns

- 5.33** In the face of authorities' alleged shift away from prevention influenced by the theory that 'burning is harmful', several participants underscored the value of a preventative approach and

²³¹ Evidence, Mr Jurskis, 15 September 2015, p 11.

²³² Submission 42, Dr Christine Finlay, pp 1-2.

²³³ Evidence, Mr Jurskis, 15 September 2014, pp 3-4.

²³⁴ Evidence, Mr Jurskis, 15 September 2014, pp 3-4.

²³⁵ Submission 6, Mr Jurskis, p 3.

called for renewed commitment to hazard reduction. In written answers following their hearing, representatives of the Volunteer Fire Fighters Association were very clear about their belief in hazard reduction:

The lack of hazard reduction is allowing fires to get bigger, more frequent and more devastating. It is crucial that we do something now. Fires run on fuel, it's that simple. It is beyond our comprehension how hazard reduction isn't one of the most important priorities for government and the wider community.²³⁶

5.34 The Association went on to set out a number of positive outcomes from a regime of regular low intensity prescribed burns:

Prevention offers far superior outcomes such as -

- safer working environment for fire fighters
- superior environmental outcomes
- enhanced protection of the community, their assets and infrastructure
- superior financial outcomes (various studies conclude that preventative strategies are 60 to 100 times more cost effective).²³⁷

5.35 Mr Chris Commins, a past president of the Mountain Cattlemen's Association of Victoria, argued that, 'the greatest threat to any national park and surrounding areas is wild fire. Fuel loads are the only factor we can control. Governments must increase the areas of prescribed burning.'²³⁸

5.36 In addition, the Australian Forest Products Association asserted that, 'Holistic fire management on a landscape scale stands the best chance of reducing the number of fire incidents, fire intensity, the rate of spread of fires that do occur, and consequently the community impacts.'²³⁹

National Parks and Wildlife Service responsibility

5.37 There was much discussion in submissions and evidence about the responsibility that the NPWS bears for the fire as a result of the fuel load present in the Warrumbungle National Park prior to the fire.

5.38 The Coonabarabran Property Owners Alliance went so far as to argue that the high fuel loads in the park attested to a lack of preparation by the NPWS for the projected fire season, which in turn indicated a level of mismanagement²⁴⁰ and a less than proper exercise of the agency's duties.²⁴¹ Its allegations included that:

²³⁶ Answers to supplementary questions, Mr Cannon, p 1.

²³⁷ Answers to supplementary questions, Mr Cannon, p 1.

²³⁸ Submission 34, Mr Chris Commins, p 4.

²³⁹ Submission 7, Australian Forest Products Association, p 5.

²⁴⁰ Submission 11, Coonabarabran Property Owners Alliance, p 5.

²⁴¹ Submission 11, Coonabarabran Property Owners Alliance, p 5.

- The bush fire management plan developed in 2011 by the Castlereagh Bush Fire Management Committee, which included directions to carry out hazard reduction burns in the Warrumbungle National Park, were not carried out.²⁴²
- The NPWS' hazard reduction burn plan for the national park, authorised in August 2012, was not implemented, despite the opportunity to conduct burns during the cool period of August and September 2012, and the urgency arising from the absence of burning over many years.²⁴³
- The Browns Creek area that was the focus for the back burn on Sunday 13 January [as part of the fire fighting efforts] was listed for a hazard reduction burn but did not receive one.²⁴⁴
- In not conducting adequate hazard reduction burning, the NPWS failed to meet its responsibilities under clause 4.2 of the Warrumbungle National Park Management Plan, which stipulated:

4.2.1 Implement the Warrumbungle National Park Fire Management Strategy

4.2.2 Continue to participate in the Castlereagh and North West Bush Fire Management Committees. Maintain cooperative arrangements with local Rural Fire Service brigades and fire control officers, and other fire authorities, the Siding Spring Observatory and surrounding land owners "in regard to fuel management and fire suppression"

4.2.3 Manage fire in the park to protect assets and biodiversity in accordance with the fire regimes/thresholds identified in the fire management strategy.²⁴⁵

- 5.39** Other inquiry participants also drew a causal link between the fire and inadequate fuel reduction. These participants referred to a duty on the part of the NPWS to manage the land in a way that mitigates against bush fire hazard. Mr Trevor Houghton, for example, highlighted the destruction of flora and fauna as a result of the fire and pointed to the NPWS' responsibilities towards both the environment and to neighbouring properties, calling for the agency to be more accountable:

The National Park's duty of care to the natural environment and its neighbours has been compromised by its preceding and handling of the Wambelong fire from the beginning ... The NSW National Parks and Wildlife Service is a government body, funded by tax payers and should be more accountable for their vast area of land which needs to be managed using fire as a tool to prevent future catastrophic fires like this Wambelong fire.²⁴⁶

- 5.40** Councillor Peter Shinton, Mayor of Warrumbungle Shire Council and Chair of the Castlereagh Bush Fire Management Committee, reported that NPWS hazard plans are 'usually well

²⁴² Evidence, Mr Stephen Lill, Co-Chairman, Coonabarabran Property Owners Alliance, 4 September 2014, pp 14-15.

²⁴³ Evidence, Mr Lill, 4 September 2014, pp 14-15.

²⁴⁴ Submission 11a, Coonabarabran Property Owners Alliance, p 14.

²⁴⁵ Submission 11, Coonabarabran Property Owners Alliance, p 11.

²⁴⁶ Submission 8, Mr Trevor Houghton, pp 1-2.

researched, well planned and well coordinated with ample resources, staff and equipment.²⁴⁷ He acknowledged that accomplishing what is planned is the greatest challenge in relation to hazard reduction,²⁴⁸ and in his submission he elucidated the complex factors that inevitably affect implementation:

The thing that needs to be realized here is that a planned [hazard reduction] burn may take months or perhaps years to occur. Stable weather conditions over several days are a must; trained staff must be available and it is best done out of the prime holiday periods to keep risk of injury or panic to a minimum. Any criticism for lack of [hazard reduction] burns may well be ill targeted as they all rely on opportunity with all of the stars aligning for the best outcome.²⁴⁹

- 5.41** Mrs Jane Judd, who has served as a member of the NPWS Regional Advisory Committee since the early 1980s and was on the State Advisory Council from 2003 to 2011 and its chair in 2010/11, defended the NPWS' commitment to hazard reduction:

While I have been in this privileged position I have become aware of how seriously NPWS takes its responsibilities with respect to hazard reduction and fire preparedness ... Staff who do the planning design pre-fire activities to give the best outcomes for people, taking into account their understanding of the environment and of fire behaviour. Many are top of their field and respected internationally. They know that hazard reduction involves more than just burning off.²⁵⁰

Other land owners' responsibility

- 5.42** Some participants emphasised that a lack of hazard reduction was also a problem on land outside the national park.
- 5.43** As a statement of principle, the Warrumbungle Fire Action Group noted that because wildfire does not respect land boundaries, 'it is essential that risk management practices are conducted across all tenures.'²⁵¹
- 5.44** Mr D Williams levelled his longstanding criticisms at land owners and the RFS as well as the NPWS. He reported that large tracts of the Timor Valley had not been burned off for many years, and questioned the extent to which the RFS exercised its powers to compel hazard reduction:

In the mid-1990s I wrote a letter titled "Fire Threat to Timor Valley" which the Coonabarabran Times published (alas my copy is now ash). It outlined the dangerous fuel levels in the valley and the difficulties in getting people to burn off.

I doubt if 5% of land owners with bushland do ANY fuel reduction. Huge areas of Timor Valley hadn't seen fire for over 30 years. It was a disaster waiting to happen.

²⁴⁷ Submission 23, Cr Peter Shinton, p 23.

²⁴⁸ Evidence, Cr Peter Shinton, Mayor, Warrumbungle Shire Council, and Chair, Castlereagh Bushfire Management Committee, 4 September 2014, p 1.

²⁴⁹ Submission 23, Cr Peter Shinton, p 23; see also evidence, Cr Shinton, 4 September 2014, p 1.

²⁵⁰ Submission 12, Mrs Jane Judd, p 3.

²⁵¹ Submission 14, Warrumbungle Fire Action Group, p 1.

The RFS under the Rural Fires Act could have compelled land owners to burn off by issuing notices but, for the most part, didn't. Why not?

Perhaps you could ask how many hazard reduction notices were issued in the Wambelong fire zone outside the national park in the 10 years prior to 2013. I'll bet it wasn't many, perhaps even zero.

The NPWS did a little better (see their Fire History Map 2003-2013). Burn offs around Siding Spring Observatory probably helped save it.

But, overall, it was still insufficient and sporadic in nature. Burning small patches higgledy-piggledy every 10 years or so doesn't have much effect on wildfires.²⁵²

- 5.45** The view that the permit system for burn offs impedes hazard reduction on private land is discussed in paragraph 5.92 below.
- 5.46** Numerous participants highlighted the very significant build up of vegetation and fuel on Mt Cenn Cruaich, the site of several communications towers. Their evidence is discussed in the following chapter.
- 5.47** By way of contrast, several stakeholders noted the level of hazard reduction that had occurred on the Siding Spring Observatory site, suggesting that that this had ensured it a level of protection from the Wambelong fire. For example, Ms Donna Burton, a local resident and former employee of the observatory, asserted:

One key reason most of the infrastructure at the observatory was safe (as well as the amazing work of the fire fighters) has to be credited with the hazard reduction work undertaken after the 2003 Canberra fires where Mount Stromlo Observatory was lost.²⁵³

- 5.48** In its submission, the observatory's owner, the Australian National University, advised the committee that for a number of years the ANU, RFS and NPWS have undertaken joint hazard reduction burns in and around the observatory campus to mitigate the risk of fire damage, with the last prescribed burn in 2012. Following the lessons learnt from the Canberra fires, the ANU invested significant funds and resources into hardening and protecting the site, buildings and infrastructure at the observatory campus from fires. The ANU also conducts annual bush fire risk assessment at the campus to identify any shortfalls in bush fire preparedness.²⁵⁴

National Parks and Wildlife Service and Rural Fire Service perspectives

- 5.49** The committee pursued many of the criticisms and concerns documented above with representatives of the NPWS, the Office of Environment and Heritage (OEH) and the RFS. Their responses are documented below.

²⁵² Submission 18, Mr D Williams, p 1.

²⁵³ Submission 29, Ms Donna Burton, p 4.

²⁵⁴ Submission 45, Australian National University, p 2.

How much prescribed burning has actually occurred in national parks?

- 5.50** The committee noted the evidence presented by the NPWS that they manage 25 per cent of the fire prone lands in NSW. The NPWS complete on average 80 per cent of the hazard reduction burns undertaken across NSW. With the Enhanced Bushfire Management Programme (EBMP) funding package NPWS have been able to double their hazard reduction effort since 2011.
- 5.51** OEH representatives advised the committee that the NPWS takes its responsibility to reduce fire risk very seriously.²⁵⁵ As evidence of this commitment, the OEH confirmed that the NPWS currently manages 9 per cent of the state yet delivers 80 per cent of the total hazard reduction burning efforts across New South Wales.²⁵⁶ Both Mr Terry Bailey, Chief Executive, OEH, and Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, OEH, underscored their confidence in the NPWS hazard reduction program, emphasising that the NPWS has doubled its prescribed burning outputs in recent years.²⁵⁷

Across New South Wales

- 5.52** In relation to volume of hazard reduction burning across the state conducted by the NPWS, Mr Bailey advised the committee:

In 2013-14, NPWS completed 232 prescribed burns, covering 111,000 hectares. In the three years to June 2014, NPWS worked with the Rural Fire Service to carry out hazard reduction operations covering over 360,000 hectares. The average annual area treated, which is approximately 120,000 hectares, was nearly doubled during this period when compared with the average for the three previous years.²⁵⁸

- 5.53** In addition, in 2012-13 NPWS conducted hazard reduction burns across 206,116 hectares, about 2.9 per cent of the 7.1 million hectares it manages, representing 83 per cent of the total area treated via prescribed burning by all agencies in New South Wales.²⁵⁹
- 5.54** The OEH advised that on average, the NPWS has treated approximately 102,000 hectares annually over the last five years (total 513,000 ha), which is more than double the previous five year average of 40,000 hectares (total 200,000 ha). In the three years to June 2014, the NPWS carried out hazard reduction operations covering over 360,000 hectares. The average annual area treated, approximately 120,000 hectares, was nearly double the average for the previous three-year period.²⁶⁰
- 5.55** The OEH explained that this doubling of output was enabled by the NSW Government's Enhanced Bushfire Management Program (EBMP), funded at \$62.5 million over the period

²⁵⁵ Evidence, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 15 September 2014, p 20-21.

²⁵⁶ Answers to questions on notice, Mr Terry Bailey, Chief Executive Officer, 8 October 2014, p 2.

²⁵⁷ Evidence, Mr Bailey, 15 September 2014, p 35; Evidence, Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, National Parks and Wildlife Service, 15 September 2014, p 35.

²⁵⁸ Evidence, Mr Bailey, 15 September 2014, p 20-21.

²⁵⁹ Answers to questions on notice, Mr Bailey, p 2.

²⁶⁰ Answers to questions on notice, Mr Bailey, pp 8-9.

2011-2016. The program has a two-fold target for bush fire hazard reduction by 2021: to increase the land area burned by 45 percent and to protect an additional 20,000 properties from fire.²⁶¹ According to the OEH, the program ‘has significantly increased NPWS’s hazard reduction performance by providing dedicated additional resources at a regional level to undertake hazard reduction over and above former levels.’²⁶² These additional resources include 90 extra fire fighters to deliver the hazard reduction required under reserve fire management strategies, whilst also being available for fighting wildfires.²⁶³

National Parks and Wildlife Service hazard reduction targets

- 5.56** NPWS regions are required to prepare three year prescribed burn plans that document how they will meet their hazard reduction targets and list the priority areas for hazard reduction burns.²⁶⁴ Regions are required to have burn plans ready for 150 per cent of the total annual prescribed burning target for the region in order to ensure maximum flexibility to match hazard reduction activities with weather windows, and to ensure that regulatory requirements do not impede activities.²⁶⁵
- 5.57** Asked about impediments to putting prescribed burns into action, Mr Bailey agreed that regulatory burdens exist and reported that they are factored into the plans and prepared for.²⁶⁶ He went on to underscore that the weather has the greatest impact on whether a plan can be carried out:

The fundamental contributor to the program is the optimal weather conditions. That is why we plan at 150 per cent knowing we will deliver 100 per cent. It is so that we can determine which ones we will undertake depending on particular weather conditions at a particular point in time.²⁶⁷

- 5.58** The OEH advised that the EBMP’s state wide target of 135,000 hectares per year is allocated such that each region has its own annual target, and went on to report that the Northern Plains Region has actually exceeded its target:

The NPWS Northern Plains Region, within which Warrumbungle National Park is situated, is required to achieve an annual target of 8,511 hectares. In the first three years of the NPWS Enhanced Bushfire Management Program, Northern Plains Region has completed 28,431 ha (an average of 9,477 hectares per year), which is 2,898 hectares above its three year target as at 30 June 2014.²⁶⁸

²⁶¹ Evidence, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 15 September 2014, p 49.

²⁶² Answers to questions on notice, Mr Bailey, pp 8-9.

²⁶³ Answers to questions on notice, Mr Bailey, p 2; evidence, Mr Bailey, 15 September 2014, pp 20-21.

²⁶⁴ Answers to supplementary questions, Mr Bailey, pp 7-8; evidence, Mr Peacock, 15 September 2014, p 23.

²⁶⁵ Answers to questions on notice, Mr Bailey, pp 8-9.

²⁶⁶ Evidence, Mr Bailey, 15 September 2014, p 32.

²⁶⁷ Evidence, Mr Bailey, 15 September 2014, p 32.

²⁶⁸ Answers to supplementary questions, Mr Bailey, pp 7-8.

- 5.59** When questioned about NPWS's reliance in the EBMP to continue to meet its targets, Mr Bailey acknowledged the agency's dependence on that program:

There is no doubt that with an additional 94 fire fighters full-time on the hazard reduction program we would not be able to maintain those rates of hazard reduction burning without consideration of the resource allocation.²⁶⁹

- 5.60** The RFS provided information on the completion rate of hazard reduction works in the Castlereagh zone, where the majority of Warrumbungle National Park is located:

Table 1 Completion rate of hazard reduction works in the Castlereagh Zone²⁷⁰

Year		Proposed	Completed	Per cent
2013/14	Activities	84	49	58.33
	Hectares	4590.32	3180.5	69.29
	Properties Protected	779	690	88.58
2012/13	Activities	82	67	81.71
	Hectares	12056.26	8645.2	71.71
	Properties Protected	858	832	96.97

- 5.61** It was noted that the drop in the completion rate from 81.7 per cent in 2012-13 to 58.33 in 2013-14 was due to adverse weather conditions, the main factor for non completion of hazard reduction works.²⁷¹

Rural Fire Service responsibilities

- 5.62** The RFS is responsible for hazard reduction on private land. The Deputy Commissioner illuminated some of the challenges for the RFS in relation to a system based on targets:

The Rural Fire Service ... is left with the rest of the private property which is not so simple to do because we have to keep fire within certain boundaries and particular pockets. Particularly in urban areas it could take enormous resources but be very low in hectareage. That is why we have the measure of protecting the number of properties.²⁷²

²⁶⁹ Evidence, Mr Bailey, 15 September 2014, p 32.

²⁷⁰ Answers to supplementary questions, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, p 12.

²⁷¹ Answers to questions on notice, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, p 14.

²⁷² Evidence, Deputy Commissioner Rogers, 15 September 2014, p 49.

- 5.63** The Deputy Commissioner went on to emphasise his confidence that the RFS has sufficient resources to meet its targets. At the same time, he cautioned that hazard reduction should not be regarded as the panacea to fire, and that controlled burns cannot be achieved every time they are planned.²⁷³
- 5.64** The RFS reported that the state's hazard reduction program was reviewed in 2013 by the Independent Hazard Reduction Review Panel and found to be strategic and well administered. The panel made a number of recommendations to improve the program, all of which were endorsed by government.²⁷⁴
- 5.65** Asked to comment on hazard reduction around the telecommunications and media communications towers on Mt Cenn Cruaich, the RFS noted that section 63 of the *Rural Fires Act* imposes specific responsibilities on land owners and occupiers, and that the maintenance of the asset protection zone around telecommunication sites is the responsibility of the land manager or occupier.²⁷⁵

Hazard reduction within the Warrumbungle National Park

- 5.66** Mr Mark Peacock, Director Western Branch, NPWS, reported that since 1981, the NPWS has undertaken 60 separate hazard reduction burns in the Warrumbungle National Park, ranging in size from one hectare to 800 hectares. During the period 2000 to 2012, approximately 2,600 hectares were hazard reduced. In the five year period prior to the Wambelong fire, approximately 900 hectares of the park were treated in nine hazard reduction burns.²⁷⁶ The OEH advised that those hazard reduction activities were focused on strategic locations near the perimeter of the national park, the aim being to assist in limiting fire movement into and out of the park, and to protect neighbouring property along with the key asset of Siding Spring Observatory.²⁷⁷
- 5.67** A map showing the fire history of Warrumbungle National Park, indicating both prescribed burns and wildfires, is shown in Figure 6 on the following page.

²⁷³ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 49.

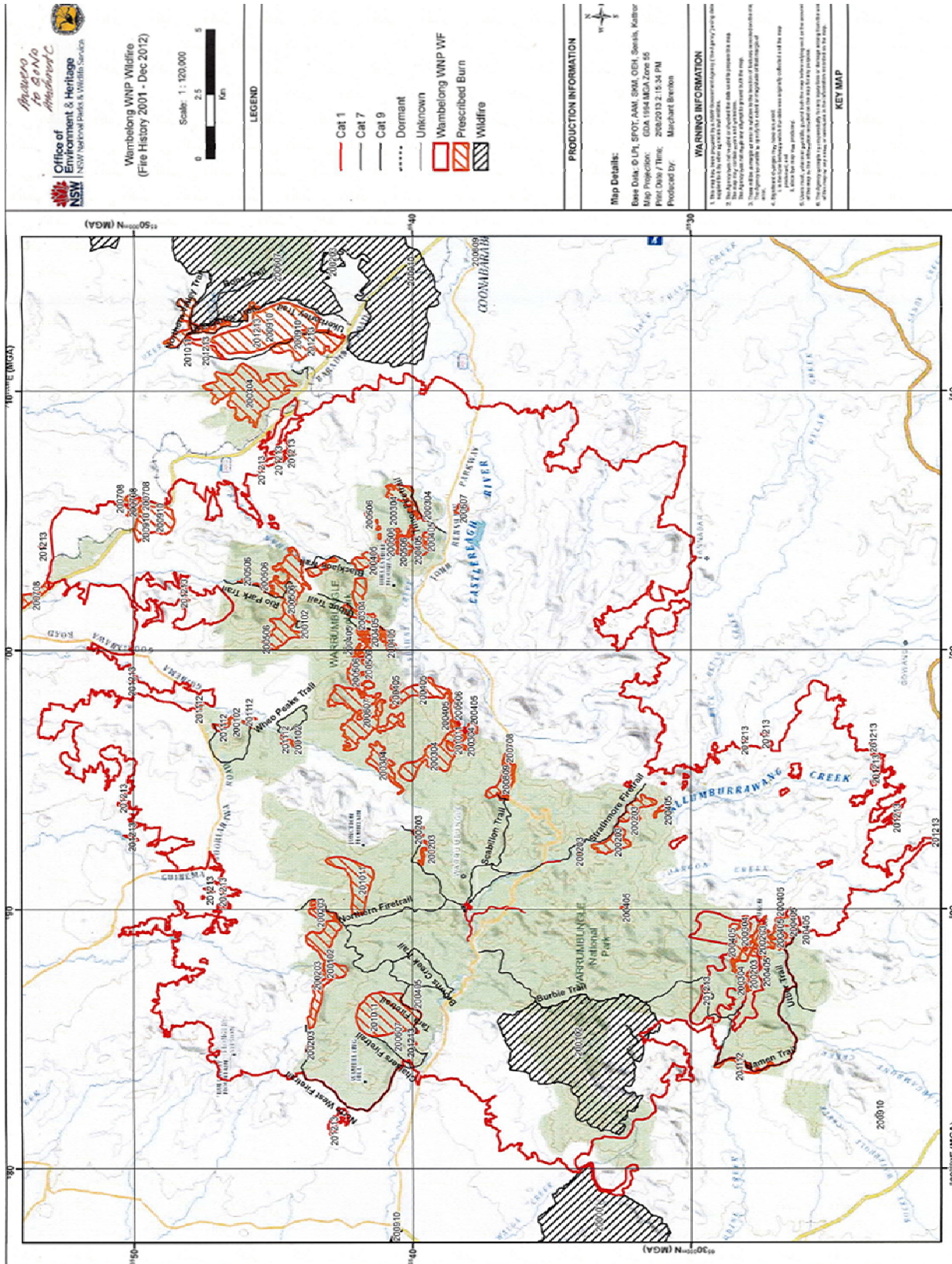
²⁷⁴ Answers to questions on notice, Deputy Commissioner Rogers, *Independent Hazard Reduction Audit Panel, Enhancing Hazard Reduction in NSW: Report*, attachment 2.

²⁷⁵ Answers to questions on notice, Deputy Commissioner Rogers, p 10.

²⁷⁶ Evidence, Mr Mark Peacock, Director Western Branch, National Parks and Wildlife Service, 15 September 2014, pp 22-23; see also answers to supplementary questions, Mr Terry Bailey, Chief Executive Officer, 8 October 2014, p 5.

²⁷⁷ Answers to supplementary questions, Mr Bailey, p 5.

Figure 6 Map of Warrumbungle National Park fire history



Source: Answers to questions on notice, Mr Bailey, attachment C.

Bush fire management zones

- 5.68** When a committee member expressed concern in the OEH hearing that based on the achievement of 2600 hectares of burning off within the 23,312 hectares of park between 2000 and 2012, if this rate were to continue, an estimated one percent of the park would be burned per year, this prompted a discussion about the zoning system for hazard reduction.²⁷⁸ As noted in chapter 2, the RFS and NPWS classify land according to four bush fire management zones: asset protection zones; strategic fire advantage zones; land management zones; and fire exclusion zones.
- 5.69** Ms Stephens explained that asset protection zones, which have highest priority for burning, are used to protect park assets such as infrastructure and sites with cultural values, as well as neighbouring assets including residential or business interests. The frequency of burning in asset protection zones and strategic fire management zones is determined by the build-up of fuel and the overall fuel hazard. The overall fuel hazard for asset protection zones is kept low, while that for strategic fire advantage zones is kept below high. By contrast, the frequency of burning in land management zones is determined by ecological thresholds so as to keep vegetation within its biological good health, with a further factor being the need to prevent runs of fires in those zones.²⁷⁹
- 5.70** Ms Stephens underscored that this framework rests on a risk based approach to determine priorities for hazard reduction:
- Our reserve fire management strategies have a risk basis. What we do is we identify a risk to assets and then we develop strategies that are focused upon protecting—obviously life and property—but those assets. Because we can only do a certain amount; that is the basis on which we prioritise the work that we do.²⁸⁰
- 5.71** When pressed as to whether the parts of Warrumbungle National Park and other parks, that are neither asset protection zones nor strategic fire advantage zones, would not have priority for fuel reduction despite having high levels of fuel, Ms Stephens acknowledged that these areas would not have priority.²⁸¹
- 5.72** A map showing the bush fire management zones for Warrumbungle National Park is shown in Figure 7 on the following page. It shows that apart from a few small asset protection zones, and parts of the perimeter of the park particularly in the east which are strategic fire advantage zones, most of the park is a general land management zone.

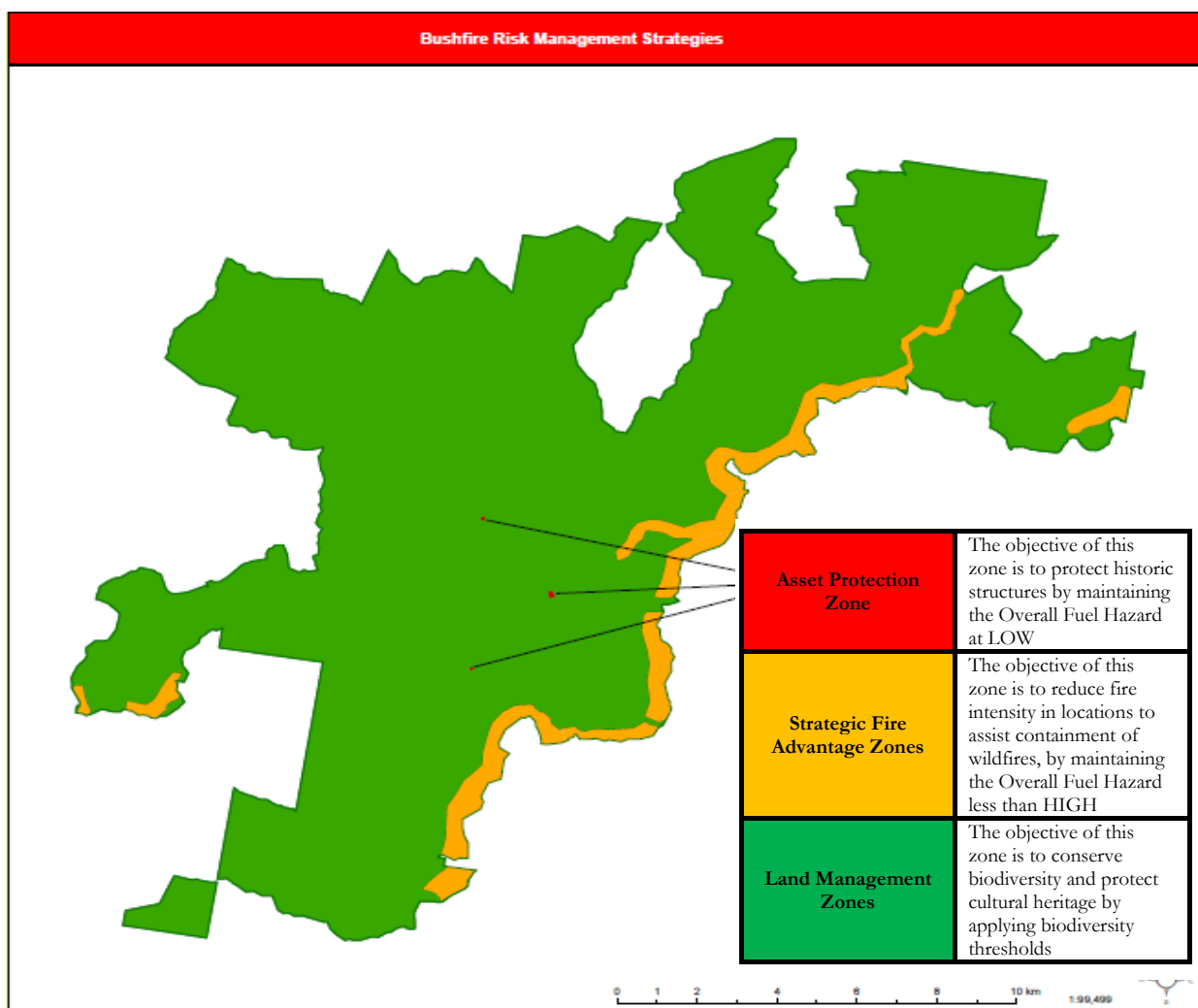
²⁷⁸ Mr Peacock, 15 September 2014, pp 27-28.

²⁷⁹ Evidence, Ms Stephens, 15 September 2014, pp 27-28.

²⁸⁰ Evidence, Ms Stephens, 15 September 2014, p 35.

²⁸¹ Evidence, Mr Bailey, 15 September 2014, p 35; Evidence, Ms Stephens, 15 September 2014, p 35.

Figure 7 Warrumbungle National Park bush fire risk management zones



Submission 44, NSW Government, Warrumbungle National Park Reserve Fire Management Strategy 2011-16, attachment L.

5.73 Deputy Commissioner Rogers acknowledged that the present approach that accords hazard reduction in land management areas low priority is not satisfactory, advising the committee that as of October 2014, the RFS is considering this issue:

One of the things I would say that we are exploring ... is we do believe that there is a fire frequency threshold for fuels in the land management zone area. I think over a period of time there ought to be consideration of a progressive reduction of the fuel loads in those areas. We are looking at experimenting with some modelling that basically says that this fuel was last burnt in this time so when it gets to this time we should be looking at targeting it. We are looking at providing those maps to bush fire management committees and making sure that they take that into consideration when they set their burning program to make sure that we are not just ignoring those broader areas in the landscape. I actually agree that they do need to be progressively reduced.²⁸²

²⁸² Evidence, Deputy Commissioner Rogers, 15 September 2014, pp 49-50.

Accountability

- 5.74 The committee asked the RFS a number of questions about the issue of accountability.
- 5.75 Questioned as to whether the bush fire risk management plan (BFRMP) for the area covered by the Warrumbungle National Park failed, the RFS replied:
- It is incorrect to state that the BFRMP in place covering the Warrumbungle National Park failed. In the Australian landscape, there will always be bush fires and damage associated with bush fires. The risk of bush fires will never be eliminated.
- A BFRMP does not aim to remove all risk of a fire in an area. These plans are strategic documents that identify community assets at risk and sets out a programme of coordinated multi-agency treatments to reduce the risk of bush fire to the assets. To achieve this, a suite of treatments is identified in a BFRMP and include such things as hazard reduction burning, grazing, community education, fire trail maintenance and establishing community fireguard groups.²⁸³
- 5.76 The RFS also advised that there are provisions under the *Rural Fires Act* for bush fire management plans to be audited, at the discretion of the Commissioner. Those for the Castlereagh and North West Zones have not been audited.²⁸⁴
- 5.77 Other existing oversight mechanisms include:
- All BFRMPs are required to be reviewed and updated within each successive five-year period or as necessary to account for any changes in the context, risk profile or treatments.
 - Reviewed and updated draft BFRMPs are exhibited for a period of public consultation prior to being finalised and endorsed by the local Bush Fire Management Committee (BFMC) and submitted to the Bush Fire Coordinating Committee for approval.
 - Members of the local BFMC also make regular reports to their committee in relation to hazard reduction activities undertaken by each land manager.
 - A monthly report is generated for the Executive Officer using Bushfire Risk Information Management System (BRIMS) data on planned and completed hazard reduction works. This report outlines the completion rate of planned hazard reduction works for each rural fire district. A report, using the same data, is also submitted to the BFCC for its quarterly meetings.²⁸⁵
 - The RFS Annual Report provides a comprehensive report on the state wide hazard reduction performance of agencies relative to targets, established under the State Plan.²⁸⁶
- 5.78 The RFS advised the committee that the Commissioner and Bush Fire Coordinating Committee are eager to ensure strong accountability for hazard reduction:

²⁸³ Answers to questions on notice, Deputy Commissioner Rogers, p 6.

²⁸⁴ Answers to questions on notice, Deputy Commissioner Rogers, p 6.

²⁸⁵ Answers to questions on notice, Deputy Commissioner Rogers, p 6.

²⁸⁶ Answers to questions on notice, Deputy Commissioner Rogers, p 15.

The Commissioner of RFS and the BFCC are committed to developing and improving performance reporting schemes for bush fire risk management treatments across all land tenures in particular to improve visibility in relation to performance.²⁸⁷

- 5.79** The RFS went on to state that while agencies are working to provide the community and stakeholders with up-to-date and accurate information on the hazard reduction program, there is still work to be done to make the program more transparent and accessible for the community. Noting that technology is a tool that assists with stakeholder and community engagement, it reported that RFS has recognised the need to improve the functionality of the BRIMS used to record planned and completed hazard reduction works. In particular, the RFS sees value in community members being able to interrogate the BRIMS system to find out about hazard reduction works carried out in their local area. The RFS advised the committee that as of October 2014, it was engaging contractors to develop the specification for a replacement system, and will be seeking support from Treasury to implement a new system.²⁸⁸

Issues considered in the coronial inquiry

- 5.80** A number of questions with regard to the fuel load in the Warrumbungle National Park and hazard reduction were considered during the coronial inquiry:
- Whether systemic hazard reduction in the lead up to the fire, and fire management plans and policies, were adequate.²⁸⁹
 - To what extent were fuel loads in the presence of ephemeral fuel taken into account in strategic decisions in relation to hazard management?²⁹⁰
 - What can we learn from this fire, given that there had not been significant hazard reduction or any bush fires for a considerable period time, in order to avoid such a catastrophic event in the future?²⁹¹
 - Why were there were no prescribed burns carried out by the NPWS in the Browns Creek and Southern Hightops regions in over 40 years? If those prescribed burns had been conducted would the Wambelong fire been easier to suppress or even have self-extinguished?²⁹²

Improvements for the future

- 5.81** Inquiry participants advocated a number of improvements to the hazard reduction system, including in relation to the level of burning and clearing, the permit system, improved targets and accountability.

²⁸⁷ Answers to questions on notice, Deputy Commissioner Rogers, p 15.

²⁸⁸ Answers to questions on notice, Deputy Commissioner Rogers, p 15.

²⁸⁹ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], NSW Coroner's Court, pp 8 and 50.

²⁹⁰ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 49-51.

²⁹¹ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 8.

²⁹² *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 19.

More burning and clearing

- 5.82** The message underlying the vast majority of participants' comments in relation to hazard reduction burning was the need for more hazard reduction.
- 5.83** Mr Jurskis advocated for the national park 'a plan of heavy commercial thinning wherever possible; non-commercial thinning in the scrubs; and burning.'²⁹³ In addition, in response to a question about the best way to manage the regrowth currently occurring in the park, he saw the need for a high level of active management of the park's flora,²⁹⁴ and noted the opportunity that now exists to establish a regime of low intensity burning in the park.²⁹⁵
- 5.84** One of the captains who contributed to the Warrumbungle Fire Action Group's submission called for the NPWS to be more active in back burning during the winter months, and for greater collaboration with and respect for land owners:

Apart from cutting the park up into sections, they must do a huge amount more back burning during the winter months. They just seem unable to organise themselves to do it. We see it done on different properties joining the mountains very successfully and when they do it. But unfortunately the parks will not take any notice of these people. They have got to learn and listen to people who know what [they are] doing and only do it when these people say.²⁹⁶

- 5.85** The Australian Forest Products Association advocated not only more prescribed burning but also more physical removal of fuel loads across all tenures, that is, national parks, state forests and private land.²⁹⁷ Accordingly, it reported that the United States and Canada have both adopted a more active approach to fuel reduction over the past decade in recognition of the risks from increasing forest fuel loads and hotter and drier conditions, and in response to public concern regarding the recent trend of megafires.²⁹⁸

Use of targets

- 5.86** A number of participants called for the setting of fuel reduction targets, with several referring to the recommendation of the Royal Commission into the 2009 Victorian Bushfires that Victoria 'fund and commit to implementing a long-term program of prescribed burning based on an annual rolling target of 5 per cent minimum of public land.'²⁹⁹
- 5.87** The Warrumbungle Fire Action Group, for example, called for a target of 5 percent of bush fire prone land to be built into RFS district Bush Fire Risk Management Plans:

²⁹³ Evidence, Mr Jurskis, 15 September 2015, p 8.

²⁹⁴ Evidence, Mr Jurskis, 15 September 2015, pp 8-9.

²⁹⁵ Evidence, Mr Jurskis, 15 September 2015, pp 8-9.

²⁹⁶ Submission 14g, Warrumbungle Fire Action Group, p 7.

²⁹⁷ Submission 7, Australian Forest Products Association, p 2.

²⁹⁸ Submission 7, Australian Forest Products Association, p 4.

²⁹⁹ 2009 Victorian Bushfires Royal Commission, Final report recommendations, recommendation 56, p3, <http://www.royalcommission.vic.gov.au/Assets/VBRC-Final-Report-Recommendations.pdf>

Fire prevention strategies and hazard reduction must be undertaken on an annual basis in a time frame dictated by the District Risk Management Plan. Risk Management Plans should incorporate the recommendation made by the Victorian Royal Commission of hazard reducing a minimum of 5% of bush fire prone lands on an annual basis. This figure is supported by many leading Australian bush fire experts.³⁰⁰

5.88 The Volunteer Fire Fighters Association also supported a target of 5 percent, asserting, ‘We are drastically behind this 5 per cent and getting further behind every year. If we are ever going to have a chance controlling major fires, we need immediate change.’³⁰¹ It went on to recommend a number of interrelated strategies to improve hazard reduction, proposing that the government could:

- Direct their agencies to set a minimum target of 5% of all bush fire prone lands to be hazard reduced annually.
- Introduce incentives so this 5% target is met.
- Mandate that a certain percentage of their budget be allocated to hazard reduction education.
- Local government officers in charge of environmental issues undertake a mandatory hazard reduction education program that is run by experienced fire fighters.
- Have a dedicated Minister for Emergency Services. Combining Emergency Service with the Police portfolio has not worked. The Minister is unable to dedicate sufficient time to the Emergency Services issues.
- Re-empower brigades to implement local hazard reduction programs.³⁰²

5.89 Mr David Packham of the School of Geography and Environmental Science at Monash University used data from six disaster fires in south east Australia to examine the hypothesis that fuel reduction via burning protects against loss of life arising from bush fires, and modelled the effect of prescribed burning levels beyond 5 per cent.³⁰³ He concluded that a much higher target of 10 to 12 per cent was optimal:

It is safe to conclude that it is not until we undertake a 15% pa burning program that we could expect no life loss. The gain at 5% pa is small but by 8% pa it is becoming very much better. There is informed opinion amongst fire managers that 10 – 12% is the optimum for fire protection. This analysis supports their hard won wisdom.³⁰⁴

5.90 Mr Williams of the Volunteer Fire Fighters Association endorsed Mr Packham’s research:

The Victorian royal commission set a minimum of 5 per cent. But, because we have been burning so little for so long, people like David Packham are saying that we need to get up to about 8 to 10 per cent to try to catch up. These are people who are experts in the field. They are not making money out of the industry; they are giving

³⁰⁰ Submission 14, Warrumbungle Fire Action Group, p 7.

³⁰¹ Answers to supplementary questions, Mr Cannon, p 2.

³⁰² Answers to supplementary questions, Mr Cannon, p 2.

³⁰³ Submission 10, Mr David Packham, p 1.

³⁰⁴ Submission 10, Mr David Packham, p 4.

you their genuine, honest opinion. Those are the sorts of people we need to guide the future direction of where we are going.³⁰⁵

- 5.91** The committee also notes the comments of the Rural Fire Service in relation to sole hectare targets:

It is quite important to not just simply have a sole hectare focus because, as the Victorians have discovered, what that leads to is simply agencies going out into the middle of nowhere and dropping a lot of incendiaries. They will get the target but they will not necessarily reduce the risk to the community.³⁰⁶

Better regulation and accountability

- 5.92** Several participants called for improvements to the regulatory system for prescribed burning, including the permit system, which they argued actually impedes timely burn-offs.

- 5.93** For example, Dr Pockley, whose property is adjacent to the national park, highlighted the unworkability of the permit system for burn-offs on private land:

The argument that I would like to put to the committee is that fuel reduction burning on private properties is now almost impossible. The reason for this assertion is that the conditions for lighting up fuel reduction burns are usually only apparent on the day when the decision to burn is made. Such conditions relate to wind speed and direction, dryness and forecast. Land holders have been disempowered by the permit system. Permits are now required at least a week in advance when none of these factors can be properly assessed.³⁰⁷

- 5.94** In a similar vein, the Warrumbungle Fire Action Group argued that the Bush Fire Environmental Assessment Code must be improved to allow adequate protection for infrastructure:

Changes [must] be made to the *Native Vegetation Act* and the Bush Fire Environmental Assessment Code: Again individual interpretation of these acts and the Rural Fire Service's obligation to follow the ... code does not allow adequate protection for infrastructure and in a lot of cases, these infrastructures are a liability to land owners ie the Communications Tower on Mount Cenn Craich.³⁰⁸

- 5.95** Mr Jurskis contended that the volume and complexity of rules and requirements in relation to burning means that 'Everyone is busy ticking boxes instead of being out there monitoring conditions and lighting fires according to conditions.'³⁰⁹ He highlighted the need to focus the limited resources on 'getting the job done, rather than complying with the environmental

³⁰⁵ *In camera* evidence, Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, 15 September 2014, p 2. Evidence published by resolution of the committee.

³⁰⁶ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 49.

³⁰⁷ Submission 27, Dr Simon Pockley, p 1.

³⁰⁸ Submission 14, Warrumbungle Fire Action Group, p 3.

³⁰⁹ Evidence, Mr Jurskis, 15 September 2014, p 7.

regulations³¹⁰ and called for all of the rules, regulations and codes relating to hazard reduction to be simplified and modified so as to facilitate rather than prevent burning.³¹¹

- 5.96** In relation to accountability, Mr Young, who represents the NSW Farmers Association on the Castlereagh Bush Fire Management Committee (BFMC), addressed the future role of that committee in his submission. He acknowledged that prior to the Wambelong fire, the BFMC did not inspect the national park in relation to its fuel load, the amount of hazard reduction being conducted, or the state of the various fire trails. He argued for greater accountability for hazard reduction via the committee:

The BFMC must be able to inspect public land in the zone and ensure that appropriate hazard reduction is implemented by various means eg burning, grazing, slashing and various forms of regrowth control.³¹²

Community education

- 5.97** The Volunteer Fire Fighters Association reported that in addition to weather and regulatory impediments to controlled burns, there can be quite a lot of interference from ordinary community members. Mr Williams explained how this happens and gave an example from his experience as an RFS Captain:

It is getting more difficult as the years go on because we have people now moving in from the city and what attracts them to the area is the pristine environment in which we live. As soon as they hear there is going to be a hazard reduction take place they lodge a complaint. Prior to a hazard reduction I spend many nights on the phone.³¹³

- 5.98** The Association further noted that the benefits and importance of hazard reduction are not generally well understood, and suggested that government agencies need to address this. It recommended that the government implement a hazard reduction community education program, run by experienced fire fighters with practical fire ground experience.³¹⁴

National Parks and Wildlife Service intentions for the national park

- 5.99** Mr Bailey of the OEH advised the committee that the NPWS is reviewing its fire management strategy for the Warrumbungle National Park. He indicated that, given the scale and magnitude of the fire, the national park is now in an ‘eco system “mono age”’, and the NPWS intends to adopt a mosaic of burning practices across the whole of the park. As of September 2014 NPWS was considering the means by which to achieve this. Mr Bailey advised that the NPWS intends to finalise the strategy after the respective reports of the coronial inquiry and this committee’s inquiry are handed down.³¹⁵

³¹⁰ Evidence, Mr Jurskis, 15 September 2015, p 9.

³¹¹ Evidence, Mr Jurskis, 15 September 2014, p 11.

³¹² Submission 38, Mr Rod Young, p 5.

³¹³ *In camera* evidence, Mr Williams, 15 September 2014, p 6.

³¹⁴ Answers to questions on notice, Mr Cannon, p 2.

³¹⁵ Evidence, Mr Bailey, 15 September 2014, pp 21 and 28.

Committee comment

- 5.100** The committee noted participants' descriptions of the fuel load in the Warrumbungle National Park prior to the Wambelong fire and by reports that parts of the park had not been burned in several decades. Similarly, we were concerned about estimates which indicated that in the 12 years prior to the fire, only 11 per cent of the park has been subject to hazard reduction burns, representing around one per cent of land per year, which was concentrated in specific zones.
- 5.101** Given the evidence we received that the amount of fuel has a direct bearing on the severity of a fire, there can be little doubt that the high fuel levels present in vast areas of the national park contributed significantly to this megafire, and to the devastation that resulted from it.
- 5.102** Inadequate hazard reduction was highlighted by numerous bush fire inquiries including those that followed the 2003 Canberra fire and the 2009 Victorian fires.³¹⁶ We are extremely concerned that a similar fate to the Wambelong fire potentially awaits other communities around the state, where similar levels of fuel continue to build up.
- 5.103** The committee acknowledges that both the RFS and NPWS have well developed systems of hazard reduction in place, and that the NSW Government has provided significant funds towards bush fire mitigation in recent years under the Enhanced Bushfire Management Program. Nevertheless, the Wambelong fire and inquiry participants have served to highlight that these efforts need to go very much further.
- 5.104** The advantages of preventing a megafire are abundantly clear: better protection for communities, their assets and infrastructure; superior environmental outcomes; superior financial outcomes; a safer work environment for fire fighters; and most importantly, the avoidance of the personal devastation charted so clearly in the previous chapter. The committee appreciates that greater effort to systematically reduce fuel loads across the state will require significant additional investment. However, we believe that this will be well justified by the outcomes of safety and avoidance of the massive financial costs that flow to individuals, the community and government from large scale fires.
- 5.105** The committee agrees with various participants that targets for hazard reduction must increase markedly in order to provide greater protection from wildfires. Higher targets will mean not only that more land is protected, but also that the intervals between controlled burns will be shorter, thereby ensuring less intense fires. We note some participants' evidence that hazard reduction burn targets of 10 to 12 per cent of fire prone land per year are optimal, and we acknowledge the recommendation of the Victorian Royal Commission that the government commit to annual targets of five per cent minimum of public land.

³¹⁶ The committee also notes the inquiry into the 2001/2002 bushfires conducted by the Joint Select Committee on Bushfires in June 2002.

Recommendation 1

That the NSW Government commit to and fund a long term program of prescribed burning based on the recommendation of the 2009 Victorian Bushfires Royal Commission of an annual rolling target of a minimum of five per cent of public land per year, and that the NSW Government commit to extending the funding for the National Parks and Wildlife Service five year hazard reduction program past 2016.

- 5.106** While the above recommendation is aimed at facilitating better hazard reduction across all tenures, we recognise that the ‘ground zero’ status of much of the Warrumbungle National Park as a result of the fire provides an ideal opportunity to establish a regime of frequent mosaic burning within the park, underpinned by a comprehensive research program that will contribute to a robust evidence base for hazard reduction from which other national parks and tenures will benefit. We are pleased that the NPWS has recognised this opportunity and intends to introduce a strategy to this end, subject to the recommendations of this committee and the Deputy Coroner. We recommend that this occur, and that it go on to inform the NPWS’ approach to land management across the wider national park estate, subject to the ecological characteristics of different national parks.
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Recommendation 2

That the NSW National Parks and Wildlife Service establish a regime of frequent mosaic burning within the Warrumbungle National Park, where conditions permit, to be monitored and evaluated via a formal fully funded research program. This program should then inform the Service’s approach to the wider national park estate.

- 5.107** A key lesson from the Wambelong fire is that a much better approach to the risk based system for hazard reduction is warranted. In the context of limited resources, it is to some extent understandable that priority has been afforded to hazard reduction within asset protection zones and strategic fire advantage zones. However, the lack of priority afforded to the vast tracts of land in land management zones (highlighted so dramatically in the map on page 60) actually saw the protection of all zones fail during the Wambelong fire, because of the very significant fuel loads that went unaddressed for so long. The committee believes that this must also be an issue in other national parks across New South Wales.
- 5.108** It is of great concern to the committee that within the current regime of bush fire risk management, such vast areas of national park land are afforded no priority for hazard reduction burns. Rather, the primary determinant of how such land is managed are ‘ecological thresholds’ for the vegetation’s good health that ignore the many thousands of years of Aboriginal practices of land management, as well as scientific evidence. This paradigm simply allows those vast areas of land to be ignored, and we witnessed during the Wambelong fire just how dangerous the NPWS’ reliance upon on it is.
- 5.109** We are pleased that the RFS Deputy Commissioner has recognised that there does need to be a progressive reduction in fuel loads in land management zone areas and is taking steps to
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address the issue. While there will be significant practical challenges to achieving this, in the committee's view it is critical that the issue be addressed.

Recommendation 3

That the NSW Rural Fire Service, in collaboration with the NSW National Parks and Wildlife Service, review and improve the system of bush fire management zones to ensure that greater priority is given to hazard reduction on land classified within land management zones.

- 5.110** The committee is also concerned that there are a number of factors impeding the number and implementation of controlled burns. As inquiry participants highlighted, a good plan has little value when it is not implemented. While we acknowledge that the primary impediment to the implementation of planned burns is the weather, others that can be minimised should be. We recommend that the government streamline the regulatory system for hazard reduction burns, including the permit system, with a view to minimising systemic impediments to timely burning. The government should also enhance accountability in relation to bush fire risk management plans, to facilitate more hazard reduction.
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Recommendation 4

That the NSW Rural Fire Service:

- streamline the regulatory system for hazard reduction burns, including the permit system, in order to identify and remove any unnecessary impediments to timely, planned hazard reduction burning
 - improve accountability in relation to the implementation of bush fire risk management plans as a means of delivering more hazard reduction.
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- 5.111** The committee also sees merit in the Volunteer Fire Fighters Association's proposal for an education campaign to improve the community's understanding of hazard reduction. We envisage that this will not only build broad community support for bush fire prevention strategies and for investment in them; it will also reduce uninformed interference in scheduled burns, which we heard is a further impediment.
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Recommendation 5

That the NSW Rural Fire Service develop and implement a comprehensive community education campaign aimed at increasing community understanding of and support for hazard reduction burns.

- 5.112** The committee considers that it would be valuable for the RFS to investigate mechanisms to enhance the predictability of megafires and how this information is communicated easily to the public.
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Recommendation 6

That the NSW Rural Fire Service investigate mechanisms to enhance the predictability of megafires and how this information is communicated easily to the public.

- 5.113** The following chapter considers a separate but related issue of hazard reduction, the state and comprehensiveness of fire trails and fire breaks within the park, as well as a number of other factors that participants consider contributed to this megafire.

Chapter 6 Other contributing factors

This chapter explores a number of additional factors that inquiry participants argued as having contributed to the strength and severity of the Wambelong fire. These include the adequacy of fire trails and fire breaks in and around the national park, and the extreme weather conditions. The chapter concludes with an examination of the activities of the National Parks and Wildlife Service (NPWS) in the national park in the week leading up to the fire, in particular in relation to the signage associated with the park's closure and staff supervision of the closed park.

The actions of NPWS staff once the fire broke out are examined in the following chapter.

Fire trails and fire breaks

- 6.1 A number of inquiry participants raised concerns about the quality and extent of fire trails and fire breaks in the areas affected by the Wambelong fire.
- 6.2 A fire trail's primary purpose is to provide access for fire fighting and fire management. Fire breaks provide a gap in vegetation or other combustible material that acts as a barrier to slow or stop the progress of a bush fire.³¹⁷ Fire trails can provide access for fire fighting authorities to undertake initial attack and to attempt early containment of fires before they escalate into major fires that would incur significant suppression costs and significant damage to community and environmental assets.³¹⁸
- 6.3 The Coonabarabran Property Owners Alliance was again very critical of this aspect of fire mitigation, asserting that the NPWS failed in their management responsibilities by 'Not maintaining fire trails within the national park to be effective fire breaks.'³¹⁹ Mr Stephen Lill, Co-Chairman of the Alliance, asked why the fire trails were not cleared of debris and obstructions before the summer fire season.³²⁰
- 6.4 The Warrumbungle Fire Action Group proposed that more fire trails are needed on the southern side of the national park,³²¹ along with a trail that provides north-south access through the mountains.³²²
- 6.5 Mr Rod Young, a local property owner and member of the Castlereagh Bush Fire Management Committee (BFMC), emphasised the need for a network of fire trails in the area:

³¹⁷ NSW Rural Fire Service, Dictionary/terminology, <http://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/dictionary-terminology>.

³¹⁸ Bush Fire Coordinating Committee, Policy no. 2/2007, p 1, http://www.rfs.nsw.gov.au/__data/assets/pdf_file/0011/9596/Policy-2-2007-Fire-Trails.pdf.

³¹⁹ Submission 11, Coonabarabran Property Owners Alliance, p 12; see also submission 11a, Coonabarabran Property Owners Alliance, p 14.

³²⁰ Evidence, Mr Stephen Lill, Co-Chairman, Coonabarabran Property Owners Alliance, 4 September 2014, p 15.

³²¹ Submission 14a, Warrumbungle Fire Action Group, p 3.

³²² Submission 14f, Warrumbungle Fire Action Group, p 7.

I put a motion through the [Castlereagh] BFMC the day before yesterday for our sub-committee to start investigating more fire trails in that area so that a fire can be contained and that will alleviate the situation that was when the fire was on; there were no decent fire trails basically in the area so a huge area of country was burnt out. We need to get a network of fire trails into that area so that we can contain a fire in a relatively small area.³²³

- 6.6** There also appeared to be significant concerns about fire breaks. Mr Michael Bowman, Deputy Group Captain of the Uargon Brigade and a member of the Warrumbungle Fire Action Group, argued that fire breaks in and around the national park were insufficiently wide, explaining the implications for timely back burning and for fire fighters' safety:

There were no decent fire breaks or areas that had been back burned to restrict the fire once it started. All fire breaks around and through the park should be wide enough so that if a tree falls it cannot reach from one side of the break to the other. As it is, many of their breaks are only as wide as a bulldozer, with thick bush either side and trees touching overhead ... It is also required for safety reasons, such as if a tree falls you can still get past it and is wide enough to turn around [in].³²⁴

- 6.7** Similarly, another contributor to the Action Group submissions asserted that the NPWS are 'not putting decent fire breaks through and a lot of the time those fire breaks are not in a satisfactory condition.'³²⁵
- 6.8** Mr Bowman and several other inquiry participants drew particular attention to the lack of vegetation cleared around the critical asset communications towers at Mt Cenn Cruaich.³²⁶ The site is on crown land near to the national park and is the responsibility of Broadcast Australia. Several days into the Wambelong fire the site was the focus for an incendiary drop and back burn operation which got out of control and caused extensive damage to neighbouring properties. The management of this aspect of the Wambelong fire is examined in chapter 8.
- 6.9** Mr Young showed the committee a number of photographs capturing the extent of vegetation on the Broadcast Australia site before the back burn operation. He highlighted the very narrow access road between the towers that posed a significant danger to fire fighters, and argued strongly against the present requirement of a 40 metre clearance around the main tower and 10 meter clearance around the others. He advocated instead for a 100 meter clearance around the towers.³²⁷ Mr Young called for a common sense approach to fire hazard clearing from around rural infrastructure and key assets, suggesting that current environmental legislation must be overruled in such circumstances.³²⁸
- 6.10** One of the captains that contributed to the WFAG submissions reported a very dangerous incident that occurred while the fire was being fought on Mt Cenn Cruaich, which he contended was caused by the narrow trails there. Several trucks and around 25 fire fighters

³²³ Evidence, Mr Rod Young, Representative, Warrumbungle Fire Action Group, 4 September 2014, p 27.

³²⁴ Submission 36, Mr Michael Bowman, p 3.

³²⁵ Submission 14g, Warrumbungle Fire Action Group, p 2.

³²⁶ Submission 36, Mr Michael Bowman, p 3.

³²⁷ Evidence, Mr Young, 4 September 2014, pp 25-26.

³²⁸ Submission 38, Mr Rod Young, p 5.

were trapped on the road between Tuggeranong Spire and the television tower, because a tree had fallen on the fire break:³²⁹

They actually had a tree across, stopping them from getting out. Now if those fire breaks had been the width of what they should be – the height of the trees plus some – that wouldn't have happened, they would have been able to go around the tree. When you have a fire break which is only 8 or 9 feet wide, you can't go around them.³³⁰

6.11 Ms Kim Noonan, whose property runs close to Mt Cenn Cruaich and was severely impacted by the fire, identified a number of agencies as having some responsibility in this 'disaster' and contended they were ineffective in their duty of care to the site and adjacent land owners:

- the Commonwealth Department of Finance for conducting no hazard reduction along the Cenn Cruaich Fire Trail between 1999 and 2013
- the NSW Crown Lands Division for allowing the licensee to allow a build-up of vegetation on the Crown land site
- the Warrumbungle Shire Council for exempting the site from rules and regulations to which adjoining properties are required to adhere
- the Castlereagh Bush Fire Management Committee for not visiting the site to evaluate or assess it
- the RFS for not implementing the protocols in the Bush Fire Risk Management Plan treatment register for the site
- Broadcast Australia for not conducting any form of hazard reduction or fire safety plan management.³³¹

6.12 In its submission the Warrumbungle Fire Action Group argued that Mt Cenn Cruaich needs an effective hazard reduction plan including a suitably cleared protection zone around the site to allow it to stand alone with aircraft support in major fire events,³³² and went on to argue for clearance of at least 500 meters.³³³ Mrs Juleen Young also emphasised the need for a major hazard reduction program to protect such infrastructure so that it does not become a liability to adjoining land owners.³³⁴

6.13 In addition, the Action Group called for changes to the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995* to enable better fire breaks and more timely use of machinery following fire outbreaks.³³⁵

6.14 Councillor Peter Shinton, Chair of the Castlereagh Bush Fire Management Committee (BFMC), acknowledged that because historically the bigger fires in the region had occurred in

³²⁹ Submission 14g, Warrumbungle Fire Action Group, p 3.

³³⁰ Submission 14g, Warrumbungle Fire Action Group, p 16.

³³¹ Submission 20, Ms Kim Noonan, pp 2-3.

³³² Submission 14, Warrumbungle Fire Action Group, p 7.

³³³ Submission 14, Warrumbungle Fire Action Group, p 5.

³³⁴ Submission 39, Mrs Juleen Young, pp 2-3.

³³⁵ Submission 14, Warrumbungle Fire Action Group, p 3.

the Pilliga, the BFMC had ensured a good set of trails there, but that those outside the Pilliga had ‘fallen off the radar’ to some extent. Councillor Shinton reported that the national park’s tracks had been maintained prior to the fire, and that local brigades had been invited to practice four wheel driving on them so that they were familiar with where they went. He indicated that a subcommittee of the Castlereagh BFMC was looking into the fire trails, which he agreed needed to be extended, and would soon report back. Councillor Shinton also noted that there is no point in the NPWS building a track if it is not going to extend onto private land and be usable by everybody.³³⁶

- 6.15** Mr Paul Mann, General Manager of Gilgandra Shire Council, reported that since the fire, he has observed a collaborative approach to identifying and assessing fire trails:

Over the past 12 months I have participated in the Castlereagh Bush Fire Management Committee and discussions to involve the National Park and RFS staff with neighbouring land owners/volunteer RFS members to identify and assess fire trails adjoining the National Park and was pleased to note the success of these inspections at the beginning of the current fire season.³³⁷

- 6.16** The committee notes that the adequacy of the management of fire trails was considered during the coronial inquiry.³³⁸

National Parks and Wildlife Service and Rural Fire Service responses

- 6.17** Asked to comment on the adequacy of fire trails and fire breaks in the national park and surrounding areas prior to the fire, the NPWS confirmed that both had been maintained prior to the fire:

The fire trails and fire breaks in Warrumbungle National Park had been maintained prior to the fire. In 2011, 86 km (out of a total 94 km) of the road and fire trail network (including the Northern Fire Trail) were maintained under contract by the Soil Conservation Service. There is a regular program of reviewing fire trail condition and maintenance requirements to ensure that the trails are available for a range of management operations.³³⁹

- 6.18** The RFS advised the committee that following the Wambelong fire, the local BFMC formed a Fire Trail Working Party to review the fire trails, update the fire trail register and monitor ongoing treatment works.³⁴⁰ The NPWS reported that the fire trail subcommittee of the Castlereagh BFMC has subsequently reviewed the fire trail network in the national park and

³³⁶ Evidence, Cr Peter Shinton, Mayor, Warrumbungle Shire Council, and Chair, Castlereagh Bushfire Management Committee, 4 September 2014, p 9.

³³⁷ Submission 28, Gilgandra Shire Council, p 3.

³³⁸ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], NSW State Coroner’s Court, p 51.

³³⁹ Answers to supplementary questions, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 8 October 2014, p 5.

³⁴⁰ Answers to questions on notice, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, p 12.

on adjoining lands and has not recommended any additional fire trails be constructed within the park.³⁴¹

6.19 The committee also sought from the RFS information on the extent of hazard reduction work at the telecommunications and media towers on Mt Cenn Cruaich, as well as other telecommunications and media assets around New South Wales.

6.20 The RFS advised that section 63 of the *Rural Fires Act* imposes specific responsibilities on land owners and occupiers, and it is the responsibility of the land owner or occupier to provide for the protection of assets such as telecommunications and media towers. Guidance to land owners on their responsibilities is provided in the RFS Community Resilience Practice Note – Telecommunication Towers in Bush Fire Prone Areas. A 40 metre asset protection zone is now in place around the towers in Coonabarabran; maintenance of this is the responsibility of the occupier of the site.³⁴²

6.21 The RFS acknowledged the challenges and risks posed by sites such as telecommunication towers for fire fighters. It went on to state that whatever the level of hazard reduction conducted around them, telecommunication and media assets are key assets in their own right and are also necessary for effective responses to bush fires. It thus implied that they will always be high priority for fire fighting efforts:

It is a feature of these assets that these are situated on slopes and steep terrain which increases the risk and makes fire fighting operations generally difficult.

Telecommunication and media assets are key assets considered when formulating operational and incident management plans for a given fire, notwithstanding the level of hazard reduction that has been conducted around such assets. These assets are infrastructure of significant value and are of vital importance to any bush fire fighting operation as emergency service communications and public notifications will depend on these sites being safe and functional.³⁴³

6.22 Finally, the RFS further suggested that the intensity of the Wambelong fire was such that asset protection zones would not necessarily prevent the fire from impacting the asset, such that a fire fighting effort would still likely be necessary.³⁴⁴

Weather conditions

6.23 The committee now briefly notes the extreme weather conditions as a significant factor contributing to the outbreak of the Wambelong fire.

6.24 As noted in chapter 2, early January 2013 was characterised by unprecedented heatwave conditions, with the forecast for Tuesday 8 January being extreme to catastrophic fire weather conditions across the state.³⁴⁵ The Coonabarabran Property Owners Alliance graphically described how the extreme weather conditions set the scene for the fire's outbreak:

³⁴¹ Answers to supplementary questions, Mr Bailey, pp 5-6.

³⁴² Answers to supplementary questions, Deputy Commissioner Rogers, p 10.

³⁴³ Answers to supplementary questions, Deputy Commissioner Rogers, p 10.

³⁴⁴ Answers to supplementary questions, Deputy Commissioner Rogers, p 10.

³⁴⁵ Submission 44, NSW Government, p 16.

The Bureau of Meteorology has stated that there was a record breaking extended national heatwave that peaked during the first two weeks in January 2013. A number of locations set new high temperature records ... State wide total fire bans were in force on January 7, 11 and Saturday 12 January. Monday 7 January was, according to the RFS Commissioner, one of the worst fire danger days on record. On Tuesday 8 January there were more than 100 bush and grass fires burning across NSW.

High temperature days and low humidity had prevailed over a number of days. Conditions led to national parks closures across the State including the Warrumbungle National Park. Conditions were very dry from the heat across the State as well as the Warrumbungle National Park and surrounding country after days of high temperatures.

The weekend 12-13 January 2013 weather forecast was for more days of high temperatures and for high winds to arrive during Sunday.³⁴⁶

- 6.25** The Alliance went on to propose that the NPWS should have been well aware of the fire danger that existed.³⁴⁷

National Parks and Wildlife Service activities in the week prior to the fire

- 6.26** In the context of these adverse weather conditions, numerous participants voiced concerns about how well the NPWS exercised its duties in the Warrumbungle National Park in the week prior to the Wambelong fire. Many of these views were very critical.
- 6.27** Mr John Shobbrook, who lost his home and belongings in the fire, suggested that many losses could have been avoided if the NPWS had been more vigilant and active in its preparation for the catastrophic conditions. He accused the NPWS of a number of failures in the immediate lead up to the fire:
- failing to roster on adequate field staff in response to the forecast extreme weather conditions
 - failing to patrol the park
 - failing to erect clearly visible 'Park Closed' signs at the park entrances
 - failing to erect a 'No Camping' sign at Camp Wambelong
 - failing to ensure that campers were not present in the park
 - failing to man the Woorut Trig Point watchtower at Siding Spring overlooking the park
 - failing to prepare field officers for a rapid response to a fire outbreak
 - failing to detect the original fire or have staff in the park for the fire to be reported to.³⁴⁸

Signage

- 6.28** Numerous participants highlighted the issue of signage, reporting that in the week preceding the fire park closed signs were either not present or not well visible. For example, Ms Heather

³⁴⁶ Submission 11, Coonabarabran Property Owners Alliance, p 10.

³⁴⁷ Submission 11, Coonabarabran Property Owners Alliance, p 10.

³⁴⁸ Submission 33a, Mr John Shobbrook, p 3.

Meldrum, who lost her family home in the fire, stated that during the total fire ban beginning on January 7 and the subsequent closure of national parks state wide, there were no obvious or distinct signs to alert passing traffic to the warnings. She proposed that after the NPWS was made aware of this, a laminated piece of A4 paper, posted on Friday 11 January, ‘was a feeble attempt’ to signpost the closure.³⁴⁹ Ms Donna Burton, a resident of Timor Road, reported she does not recall seeing signage that the park was closed, either on the observatory side entrance to the national park, or at the western entrance to the national park from Tooraweenah/Coonamble Road.³⁵⁰ In addition, Mrs Lois Wilkinson advised the committee:

I also observed what I considered to be an inadequate sign on the Warrumbungle National Park sign at the start of Timor Road as people were leaving Coonabarabran. The sign simply said CLOSED and was about 250mm wide and about 125mm high and covered about 5% of the sign. I remember looking at it and thinking that no-one will notice it.³⁵¹

6.29 In relation to signage, the Coonabarabran Property Owners Alliance argued the NPWS failed in their management responsibilities by:

Placing only a small, difficult to notice ‘Park closed’ sign at the western entrance to the Warrumbungle National Park.

Placing only a small, difficult to notice ‘Park closed’ sign at the eastern entrance to the Warrumbungle National Park.

Placing only a small, difficult to notice ‘Park closed’ sign at the edge of the town of Coonabarabran on the road to the National Park.

Not placing a Park Closed sign at Camp Wambelong which is located beside the public road through the National Park where the fire allegedly started.

Not displaying “Total Fire Ban” sign at Camp Wambelong during Total Fire Ban days in accordance with NPWS procedures.³⁵²

6.30 The committee notes that the adequacy of the signage in and around the park was canvassed during the coronial inquiry.³⁵³

Supervision of the closed park

6.31 A number of participants noted that the park was effectively open because the public road going through it, the John Renshaw Parkway, remained open to traffic.³⁵⁴ Ms Donna Burton suggested that without patrols there was no obvious way to prevent camping there.³⁵⁵

³⁴⁹ Submission 32, Ms Heather Meldrum, p 1.

³⁵⁰ Submission 39, Ms Donna Burton, p 2; see also submission 24, Ms Fiona Selmes, p 1, submission 30, Name suppressed, p 4, submission 39, Ms Juleen Young, p 1.

³⁵¹ Submission 5, Mrs Lois Wilkinson, p 2.

³⁵² Submission 11, Coonabarabran Property Owners Alliance, p 12.

³⁵³ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 51.

³⁵⁴ Public forum, Ms Fiona Selmes, 3 September 2014, p 12; submission 39, Ms Donna Burton, p 1; submission 39, Mrs Juleen Young, p 1.

6.32 Mr Shobbrook expressed his bewilderment that the closed national park was not under better surveillance given the extreme fire danger:

Why do I feel ‘bewildered’? Because I can’t understand why there were no National Parks rangers patrolling the park, no lookouts manned, and no field staff positioned in rapid response locations when their own Fire Management Manual advises them to consider each of these responses during periods of severe and extreme fire danger ratings ... Apparently only two staff were on duty.³⁵⁶

6.33 Mr Lill of the Coonabarabran Property Owners Alliance also asserted that given the extreme weather conditions, one could reasonably have expected the NPWS to take extra precautions, with all staff on call and all leave cancelled. Mr Lill posed a number of questions:

Why were hourly patrols of the park not carried out to enforce the closed status? Why was no fire observer stationed at the Woorut Trig lookout and fire observation site on Siding Spring Mountain, as recommended in the national park operations manual? Why were some national park fire appliances empty and not in full readiness? ... Why were only two national park staff rostered to work on this horror weekend? Why could the national park not be contacted by the first fire observer and she had to report the fire from a private house? Ironically this house was reduced to ash the next day.³⁵⁷

6.34 In its submission the Alliance further elucidated its accusations against the NPWS:

- that the NPWS did not have in place any procedure or system for spotting a fire or to enforce the national park’s closure
- that staff were not placed at the vantage point of the Siding Spring Observatory overlooking the park, in accordance with NPWS Regional Incident Procedures
- that the NPWS did not have suitable staff in the national park for a rapid response
- that NPWS staff did not remove campers from the from the national park, enforcing its closure.³⁵⁸

6.35 At the public forum that the committee held in Coonabarabran, Mrs Fiona Selmes, who lived adjacent to the national park and who lost everything in the fire, spoke of the build up to the fire and how the woman who first noticed the fire’s outbreak could not find any NPWS staff to report it to, so came to her property instead:

The week before the fire was quite scary. You could feel that danger in the air. The national park was closed, with a piece of A4 paper swinging on a sign on the side of the road when you came over the ramp into the national park. As we lived right near the ramp, we could hear any traffic going to and from the park. There was traffic and campers going into the park all week. On the Saturday before the disaster a lady knocked on our door and told us there was a fire near the woolshed. She lived on the other side of the park and she could not get through. There were no national park

³⁵⁵ Submission 39, Ms Donna Burton, p 2.

³⁵⁶ Submission 33a, Mr John Shobbrook, p 2; see also public forum, Mr John Shobbrook, 3 September 2014, p 8.

³⁵⁷ Evidence, Mr Lill, 4 September 2014, p 15.

³⁵⁸ Submission 11a, Coonabarabran Property Owners Alliance, p 14.

workers at the information centre, the ranger's house or the work shed to report the fire to. She had no service and asked us to call triple-0.³⁵⁹

National Parks and Wildlife Service perspective

- 6.36 The committee pursued these serious criticisms with representatives of the NPWS.
- 6.37 Asked whether there was signage at the entrance to the Warrumbungle National Park indicating that the park was closed, the NPWS answered that that there were signs:

Yes. Signs were erected by NPWS staff at both entrances to Warrumbungle National Park on John Renshaw Parkway on the evening of 7 January 2013. These signs were replaced by NPWS staff on 11 January 2013 by larger signs, at the same locations. A "Track closed" sign was also erected by NPWS staff at the head of the walking track near Camp Wambelong on 2 January 2013.³⁶⁰

- 6.38 The NPWS provided the map below showing the location and format of park closed signage in place at 11 January 2013.



Source: Answers to questions on notice, Mr Bailey, attachment C.

³⁵⁹ Public forum, Ms Selmes, 3 September 2014, p 12.

³⁶⁰ Answers to supplementary questions, Mr Bailey, 8 October 2014, p 3.

6.39 In relation to the locations of the signs and their dimensions, the NPWS advised the committee:

On 7 January 2013, laminated A3 signs (measuring 300 mm x 420 mm) were placed across the permanent park entry signs at:

- each end of the John Renshaw Parkway, the two main public entrances to the Park, and
- the Dooranbah Road entrance to Gunneemooroo Camp near Tooraweenah, the only other public entrance to the park.

Similar signs were also fixed to vehicle barrier boards and located across all park entry points off John Renshaw Parkway.

On Friday 11 January 2013, an additional large format sign was installed on the outskirts of Coonabarabran on the John Renshaw Parkway. This sign was laminated and measured 980 mm x 530 mm. Also on 11 January, the signs located at each end of the John Renshaw Parkway were replaced with laminated signs measuring 1000 mm x 400 mm, and the sign at Dooranbah Rd was replaced by a larger sign measuring 980 mm x 530 mm.

All signs were checked each day between 8-12 January 2013.³⁶¹

6.40 The NPWS provided photographs of the signs:



Source: Answers to supplementary questions, Mr Bailey, attachment E.

³⁶¹ Answers to supplementary questions, Mr Bailey, 8 October 2014, p 3.



Source: Answers to supplementary questions, Mr Bailey, attachment E.

- 6.41** In addition, the committee sought information on the staffing of the national park on both Tuesday 8 and Saturday 12 January, on the policy for staffing when a park is closed, and on what patrolling of the park occurred in the lead up to the fire's outbreak. The NPWS responded:

The day the fire started was a Saturday and two staff were on duty that day in the park. The Tuesday prior was a weekday and hence the normal complement of staff were 'on duty' or working that day, however the staff were instructed not to work in the park for safety reasons. Fifteen staff were rostered on in NPWS's Coonabarabran Area on the Tuesday with six of those staff working within 30 minutes of Warrumbungle National Park.

NPWS staff did patrol the park to enforce the closure. On the afternoon of 7 January 2013 NPWS staff visited the visitor nodes in the park and instructed all visitors to leave the park by the following morning at the latest - which they did.

NPWS staff continued to patrol the park during the park closed period leading up to the fire, including a patrol of visitor areas undertaken on the morning of the fire.

The Ranger on duty on Saturday 12 January 2013 inspected all the camp grounds and car parks in the park in the morning. She observed that there was no one camping in any of the camp grounds, and that there was a family at the Wambelong camp ground who "were only looking at kangaroos". She called in at the park's visitor centre (which was closed to the public) to see the visitor centre's manager for about 30 minutes, and returned to the NPWS office in Coonabarabran at about 12.30 pm.

No other visitors were observed in the park at any time during the closure period, other than those campers who were packing up to leave as directed on the morning of 8 January 2013.

The visitor centre was closed to the public on Saturday 12 January 2013, however the visitor centre's manager worked there until 4.00 pm. As the weather was very hot, she went outside every hour or so to check if she could see or smell smoke.³⁶²

- 6.42** The committee asked NPWS representatives about whether NPSW staff are put on look out at the observatory on days of high fire danger. Mr Mark Peacock, Director Western Branch, advised that they are not, and noted that another high point in the national park, White Gum Lookout, also gives a good view of the park and is more accessible and convenient for staff to get to.³⁶³
- 6.43** Mr Mark Pritchard, Engineering Technical Services Officer with the Australian National University, advised the committee that the university and the Australian Astronomical Observatory had recently purchased a camera for the Siding Springs Observatory and were gifting it to the Warrumbungle Shire Council and the RFS to enable them to conduct 360 degree surveillance of the neighbouring country during the bush fire season.³⁶⁴ When the committee proposed that the observatory may be a valuable place to put infrared equipment to assist with spotting fires, university staff agreed that the top of the observatory is a key observation point for the area.³⁶⁵
- 6.44** Mr Peacock of the NPWS agreed that the camera could be very useful to the NPWS and undertook to contact the Siding Springs Observatory with a view to making use of this resource.³⁶⁶

Committee comment

- 6.45** In the interests of optimal bush fire mitigation, the committee is concerned that there is a need for a greater network of fire trails in and around the Warrumbungle National Park. Given that two members of the Castlereagh BFMC indicated to us that they saw the need for more fire trails in that vicinity, it is puzzling that the BFMC's fire trail subcommittee subsequently did not recommend any additional fire trails be constructed within the park. There may be a valid rationale for this, but without any further information the committee considers it our responsibility to ask the RFS to look into this decision, and if necessary, to engage with the Castlereagh BFMC about revisiting it.

³⁶² Answers to supplementary questions, Mr Bailey, 8 October 2014, p 7.

³⁶³ Evidence, Mr Mark Peacock, Director Western Branch, NSW National Parks and Wildlife Service, 15 September 2014, p 36.

³⁶⁴ Evidence, Mr Mark Pritchard, Engineering Technical Services Officer, Australian National University, 4 September 2014, p 40.

³⁶⁵ Evidence, Ms Christine Allard, Director, Facilities and Services Division, Australian National University, 4 September 2014, p 45.

³⁶⁶ Evidence, Mr Peacock, 15 September 2014, p 36.

Recommendation 7

That the NSW Rural Fire Service review the decision not to construct additional fire trails in the Warrumbungle National Park following the Wambelong fire.

- 6.46** Taking a broader perspective to the bush fire risks within national parks across the state, and to their neighbouring properties, the committee considers that the NPWS must establish a more effective and comprehensive system of fire trails in national parks around New South Wales. This should necessarily involve reopening those fire trails that have been closed within the last ten years. It must also involve the establishment of new fire trails where appropriate, with sufficient provision of fire vehicle turning areas, in addition to adequate maintenance of all trails into the future.
-

Recommendation 8

That the NSW National Parks and Wildlife Service, at the direction of the NSW Rural Fire Service, enhance the network of fire trails within national parks across New South Wales by:

- reopening those fire trails that have been closed within the last ten years
 - establishing new fire trails where appropriate
 - providing sufficient fire vehicle turning areas
 - ensuring adequate fire trail maintenance over the long term.
-

- 6.47** The closely related issue of clearance on both sides of boundary fencing is considered in the final chapter of this report, which focuses on recovery after the fire.
- 6.48** The committee is concerned by the small clearance area and lack of fire management around the towers on Mt Cenn Cruaich, and the very poor hazard reduction on the site by its occupier, Broadcast Australia, despite its legal and moral obligations. Not only did the poor fire readiness of this site place the towers at very real risk; it made neighbouring properties much more vulnerable to fire. It is also very clear to the committee that the present clearance requirement of 40 meters around the main telecommunications tower and ten meters around the others is highly inadequate given the significance of these assets to telecommunications in general and fire communications in particular. Similarly, the access trail on the site offered little by way of fire break and indeed its narrowness proved a major risk to fire fighters, as is discussed further in chapter 8.
- 6.49** The committee considers that a minimum of 100 metre clearance around such sites is necessary and we are very concerned that similar assets around the state are adequately cleared and protected.
- 6.50** For these reasons we believe that the NSW Government should increase land clearances around this and similar sites. Hand in hand with this, we consider that the RFS should conduct an audit of other telecommunications sites to examine their fire safety in respect of land clearance, fire trails and hazard reduction burns. In addition, the RFS must take practical
-

steps to ensure that Broadcast Australia and other licensee bodies fulfil their hazard reduction obligations.

Recommendation 9

That the NSW Government improve the protection of media and telecommunications towers around New South Wales by:

- increasing the asset protection zone around the towers on Mt Cenn Cruaich and other comparable sites to a radius of at least 100 metres
 - conducting an audit of all New South Wales media and telecommunications sites to examine their fire safety in respect of land clearance, fire trails and fuel loads
 - implementing a strategy to ensure that licensees of these sites fulfil all their hazard reduction obligations.
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6.51 In relation to NPWS activities in the national park in the lead up to the outbreak of the Wambelong fire, the committee recognises that the inability to physically close the national park - because of the public road going through it - rendered the park more vulnerable than it would otherwise have been and created particular challenges in keeping the park and its visitors safe from fire.

6.52 Within this context the 'park closed' signs were particularly important. The committee acknowledges the concerns of various local residents about the signs in and around the national park prior to the fire. At the same time, we take at face value NPWS' assurance and pictorial evidence that the signs were actually adequate.

6.53 In the same context, surveillance of the park was another critical factor. The park was patrolled from its closure on 7 January up until the morning of the fire. However only two staff were on duty in the park the day the fire broke out. In the circumstances of an extreme fire danger warning in a park that could not actually be closed to the public, two staff does not seem to us to be sufficient. This perhaps proved to be the case when the person who first observed the fire could not find a NPWS officer to report it to. With the benefit of hindsight, an additional person on fire lookout and more frequent patrols of the park would have been desirable. While we understand the imperative for staff safety on days of extreme and catastrophic fire danger, we believe that this needs to be carefully balanced with the imperative for the NPWS to closely supervise the land for which it is responsible. We recommend that the NPWS examine its staffing policy for periods of very high fire alert, to ensure that sufficient numbers of staff are available in the park on fire watch.

Recommendation 10

That the NSW National Parks and Wildlife Service examine its staffing policy for periods of extreme and catastrophic weather conditions to ensure that sufficient staff are available on site on fire watch.

- 6.54** The committee also recommends that the NPWS consider the feasibility, on a case by case basis, of closing public roads through national parks on days with catastrophic fire danger rating, as a means of reducing bush fire ignition risks in national parks.

Recommendation 11

That the NSW National Parks and Wildlife Service consider the feasibility, on a case by case basis, of closing public roads through national parks on days with catastrophic fire danger rating, to mitigate the risk of bush fire ignition in national parks.

- 6.55** The committee acknowledges the generous donation by the Australian National University and Australian Astronomical Observatory of a camera atop the Siding Spring Observatory that will afford 360 degree surveillance of the area. We are pleased that the NPWS has indicated its interest in making use of this resource. In addition, the committee sees value in the possible establishment of infrared fire alarm technology at all existing fire towers and observation points in remote national parks, and we urge the RFS and NPWS to investigate the cost and feasibility of this.

Recommendation 12

That the NSW Rural Fire Service and the NSW National Parks and Wildlife Service investigate the cost and feasibility of installing infrared cameras at the Siding Springs Observatory and key sites in other national parks to facilitate fire spotting.

- 6.56** In the following chapter the committee considers the actions of the NPWS and RFS following the outbreak of the fire.

Chapter 7 The initial response

This chapter examines the initial response to the Wambelong fire from the time that it was first observed and reported at approximately 4.00 pm Saturday 12 September 2013 until soon after the section 44 was declared at approximately 11.00 am the following day, at which time the Commissioner of the NSW Rural Fire Service (RFS) took control of the response. Up to that point, because the fire broke out on national park land, it was under the authority of the National Parks and Wildlife Service (NPWS).

The following chapter considers the management of the fire after section 44 was invoked.

Saturday 12 January 2013

- 7.1 The committee now examines stakeholders' views on the actions of authorities in response to the fire on the afternoon and evening of Saturday 12 January 2013. As the fire was under the authority of the NPWS at this time, we specifically consider its officers' actions with respect to notification and reconnaissance of the fire, their coordination of efforts to fight the fire, and their development of a strategy for the following day.

Notification and reconnaissance

- 7.2 There was some concern among inquiry participants that notification of the fire and the very first response to it was not as timely as it could have been. As noted in chapter 3, the fire was first observed by a member of the public a short distance west of the Wambelong campground at approximately 4.00 pm Saturday afternoon.
- 7.3 The Coonabarabran Property Owners Alliance argued that precious time in bringing the fire under control was lost when, in the absence of officers in the park, staff had to be called in and then travel some 35 kilometers to the site of the fire.³⁶⁷ Mr Stephen Lill, Co-Chairman of the Alliance, claimed that the NPWS officer who responded to the fire arrived in a car with their family then had to travel up to the Strathmore depot to get a fire appliance, fill it with water and then return to Camp Wambelong. He suggested that with a delay of 30 minutes at this critical time the fire had grown, and that the two RFS units that arrived to assist did so without request from the NPWS.³⁶⁸

National Parks and Wildlife Service perspective

- 7.4 In light of these claims, the committee sought to clarify how and when NPWS staff became aware of the fire and when they notified the RFS. According to the Government submission, two off duty staff members who were in the park at the time undertook reconnaissance.³⁶⁹ Mr Mark Peacock, Director Western Branch, NPWS, advised that after being alerted to the fire at approximately 4.00 pm, NPWS staff were on the scene at 4.10 pm and both the NPWS and RFS were formally notified at 4.22 pm:

³⁶⁷ Submission 11, Coonabarabran Property Owners Alliance, p 15.

³⁶⁸ Evidence, Mr Stephen Lill, Co-Chairman, Coonabarabran Property Owners Alliance, 4 September 2014, p 15.

³⁶⁹ Submission 44, NSW Government, p 18.

[T]he notification to National Parks was at about 4.00 p.m. I do believe there may well have been notifications to 000 and the Rural Fire Service through community members who live west of the park and who may have seen the fire slightly earlier than 4.00 pm. ... [W]e had someone on the scene to confirm that fire was there about 10 minutes later—say about 4.10 pm. A short drive was required for them to get mobile phone reception to report it formally, which they did to National Parks and the Rural Fire Service. Our Duty Officer made the first formal call to the Rural Fire Service at 4.22 pm.³⁷⁰

- 7.5** Following the notification, a NPWS officer acquired a fire fighting appliance and was the first fire fighter on the scene, returning before 5.00 pm. At this point the fire was observed to be burning two thirds of the way up the hill behind the Wambelong camping area and was estimated to be one to two hectares in size. By that time a member of the Goorianawa Rural Fire Brigade (RFB) arrived in his private vehicle and was awaiting the arrival of his brigade crew. Together the RFB volunteer and NPWS staff member attacked the western edge of the fire. Within around 30 minutes additional NPWS officers arrived, shortly followed by members of the Warrumbungles and Gummin RFBs. An NPWS Incident Controller was appointed at 4.45 pm to coordinate the fire response from the Coonabarabran NPWS Office; by 5.00 pm a NPWS Divisional Commander was coordinating operations at the fire.³⁷¹
- 7.6** A detailed account of the sequence of events is provided in chapter 3.

Efforts to fight the fire

- 7.7** As noted in chapter 3's sequence of events, from around 5.00 pm until around 8.30 pm, NPWS and RFS crews fought the fire.³⁷²
- 7.8** There was a chorus among very many inquiry participants that initial efforts to fight the fire were inadequate, and that had these efforts been more concerted and strategic, they could have seen the fire contained that evening, with the catastrophe that followed on Sunday avoided.
- 7.9** This view was very strong among a number of local residents whose properties were burned by the fire. For example, Mr John Shobbrook highlighted what he saw as a failure to aggressively attack the fire from the outset, a failure to continue fighting once night fell, and a failure to bring in the NPWS remote area firefighting crews to work during the night under cooler conditions to bring the fire under control.³⁷³ He questioned why the fire was only fought for three hours before NPWS staff left the national park, and argued that as a result, 'a small fire grew into a catastrophic fire.'³⁷⁴ Mr Shobbrook argued that each of the above actions could reasonably be expected of the NPWS and indeed were reflected in NPWS procedures:

Not one item on this list of failings was beyond the capability of the National Parks and Wildlife Service to carry out, nor was any failing due to a lack of resources or

³⁷⁰ Evidence, Mr Mark Peacock, Director Western Branch, NSW National Parks and Wildlife Service, 15 September 2014, p 26.

³⁷¹ Submission 44, NSW Government, p 18.

³⁷² Submission 44, NSW Government, pp 18-20.

³⁷³ Submission 33a, Mr John Shobbrook, pp 3 and 8.

³⁷⁴ Submission 33a, Mr John Shobbrook, pp 3 and 8.

personnel available to the National Parks and Wildlife Service with a duty of care to the Warrumbungle National Park. Indeed, all of the failings are standard operating procedures that either were not performed or were actions performed in contravention of the procedure manual.³⁷⁵

7.10 The Coonabarabran Property Owners Alliance echoed the view that the NPWS failed to take advantage of the opportunity to fight the fire on the Saturday evening and overnight, before the weather worsened and forecast strong winds arrived. It argued that by allowing the fire to burn for another 12 hours, NPWS permitted the small fire to get out of hand.³⁷⁶ The Alliance went on to level a number of detailed accusations at the NPWS in relation to the early stages of the fire, including that it:

- failed to take advantage of the time between when the fire was reported and when the unfavourable weather conditions were predicted to arrive on the Sunday³⁷⁷
- did not have sufficient plant, water, equipment, staff and other resources on hand³⁷⁸
- failed to seek all possible assistance from other agencies³⁷⁹
- did not make use of the resources available through the pre-emptive section 44 declaration that was already in place in the Coonamble RFS district which included the area where the fire was burning.³⁸⁰

7.11 Mr Procter Morris, Secretary of the Alliance, noted that at 4.33 pm on Saturday the Bureau of Meteorology had issued an extreme fire danger warning for the following day.³⁸¹ The extent to which the NPWS factored the weather forecast into its strategy is explored in the following section.

7.12 A number of fire captains were also highly critical of the initial response to the fire and argued that the megafire could have been avoided if sufficient early action had been taken. Mr Keith Lambell, Captain of the Tonderburine Brigade, was on site at the fire on both the Saturday evening and the Sunday morning. He told the committee that at the time he questioned why the NPWS did not put more resources into the fire on the Saturday, based on the weather forecast for the following day, while it was under control but still burning.³⁸²

7.13 Mr Michael Bowman, Captain of Uargon Brigade and Deputy Group Captain for Warrumbungle Mountain Group of Brigades in the Castlereagh Zone, asserted that more concerted and strategic action on Saturday evening, with better use of local captains, could have stopped the fire from getting out of control and resulted in far less damage.³⁸³ He laid out an alternative strategy for fighting the fire on Saturday evening:

³⁷⁵ Public forum, Mr John Shobbrook, 3 September 2014, p 8.

³⁷⁶ Submission 11, Coonabarabran Property Owners Alliance, pp 24-25.

³⁷⁷ Submission 11, Coonabarabran Property Owners Alliance, p 24.

³⁷⁸ Submission 11, Coonabarabran Property Owners Alliance, p 15.

³⁷⁹ Submission 11, Coonabarabran Property Owners Alliance, p 24.

³⁸⁰ Submission 11, Coonabarabran Property Owners Alliance, pp 23-24

³⁸¹ Evidence, Mr Procter Morris, Secretary, Coonabarabran Property Owners Alliance, 4 September 2014, p 18.

³⁸² Evidence, Mr Keith Lambell, 3 September 2014, p 6.

³⁸³ Submission 36, Mr Michael Bowman, p 2.

Everything should have been thrown at that fire on the Saturday afternoon. If I had been called in that is what I would have been doing, and I know in my own brigade I had 20 young people I could have pulled in there to be around that fire all night. If we had done that, and if the [remote area firefighting teams] had been put in, we could have been trying to control that fire all night. We could have kept it under control. We would have known where our bad spots were going to be for the Sunday morning. Then with helicopters and things on the Sunday morning you could have been pushing them at those areas that you are worried about.

We knew the eastern side was going to be bad because we were going to get westerly winds. We knew all of that information ... There were 12 to 15 hours when we should have been absolutely bashing that fire, and instead of that it was basically just a couple of teams patrolling it.³⁸⁴

- 7.14** Mr Geoff Pike, Captain of the Tooraweena Brigade, also contended that not enough resources were committed in the very early stages of the fire. He suggested that while it was in a difficult area for ground crews to access, good use of aerial resources could have substantially reduced the possibility that the fire grew to the size that it eventually did, even with the extreme conditions.³⁸⁵ Other inquiry participants who highlighted deficits in this initial stage of the Wambelong fire included Mrs Lois Wilkinson, Mr Max Zell, Ms Heather Meldrum and two further brigade captains contributing to the submissions of the Warrumbungle Fire Action Group.³⁸⁶

Use of a rapid aerial response team and remote area firefighting teams

- 7.15** A particular area of discussion emerged around the use of a Remote Aerial Response Team (RART) and Remote Area Firefighting Teams (RAFT) on the Saturday evening.
- 7.16** The committee understands that RART are the responsibility of the RFS, funded under the five year Enhanced Bushfire Management Program, within a joint agency approach with the NPWS. The teams are comprised of four specially trained volunteer fire fighters working with a winch-capable helicopter, allowing them to be quickly deployed to remote fires which ground crews may not be able to access. RART operate on standby and once deployed, work to contain fires in their early stages using dry firefighting techniques while their helicopter conducts water bombing. They work only for short periods to fight a fire in its very early stages.³⁸⁷
- 7.17** RAFT are teams of fire fighters with specialist training to operate in remote and arduous environments, who typically hike into difficult or remote areas to help contain or extinguish fires. In contrast to the RART teams that only work for a short time to attack a fire in its early stages, a RAFT team may work for shorter or extended periods of time. RAFT are based at

³⁸⁴ Evidence, Mr Michael Bowman, Representative, Warrumbungle Fire Action Group, 4 September 2014, p 29.

³⁸⁵ Public forum, Mr Geoff Pike, 3 September 2014, p 2.

³⁸⁶ Submission 6, Mr Vic Jurskis, p 4; submission 5, Mrs Lois Wilkinson, p 2; submission 13, Mr Max Zell OAM, p 1; submission 32, Mrs Heather Meldrum, p 1.

³⁸⁷ NSW Rural Fire Service, Rapid aerial response teams, <http://www.afac.com.au/docs/poster/rapid-aerial-response-teams.pdf?sfvrsn=8>.

and coordinated locally by RFS districts, teams and zones throughout the state.³⁸⁸ The NPWS also has RAFT trained staff.³⁸⁹

- 7.18** A RART was deployed from Tamworth to the site of the Wambelong fire, and while RART crew worked on the ground the helicopter water bombed the fire. However, both the crew and helicopter could work for only about 40 minutes because the helicopter had to return to base by nightfall.³⁹⁰
- 7.19** A number of participants questioned why the NPWS did not make use of RAFT teams in the late afternoon and overnight. The Coonabarabran Property Owners Alliance, for example, was highly critical of this aspect of the initial response.³⁹¹ Mr Morris, a volunteer fire fighter, also highlighted that the NPWS did not bring in its own RAFT crews.
- 7.20** Notably, an NPWS employee with extensive knowledge of the topography of the area and experience in fire fighting there also suggested that better use of RAFT would have been desirable, both on the Saturday evening and Sunday morning:

In my experience, knowing both the topography and fire management, Saturday night was the key, an extremely important window of opportunity which should not have been neglected, for a direct ground-based attack. The east, west and south flanks were safe and achievable goals for [RAFT]. On Sunday 13th January 2013, the weather conditions up until midday continued to be suitable for direct fire suppression duties utilising aerial support and ground based RAFT crews.³⁹²

Issues considered in the coronial inquiry

- 7.21** The committee notes that certain questions with regard to the initial efforts to fight the fire were flagged for consideration during the coronial inquiry, including:
- Whether NPWS or RFS fire fighters should have taken steps overnight to try and control or extinguish the fire before the predicted severe weather change on the Sunday.³⁹³
 - Whether on the evening of 12 January it should have been apparent that additional resources were going to be required and that therefore the fire should have been classified at least as a class 2 fire – which would have involved others in strategic decision making from that point in time.³⁹⁴

³⁸⁸ NSW Rural Fire Service eBulletin, Issue 23, June 2014, <http://rfs.e-newsletter.com.au/link/id/zzzz539294bbba1d1333Pzzzz52c0ad695f846411/page.html>; NSW Rural Fire Service, *Annual Report 2012/13*, pp 38-39.

³⁸⁹ Evidence, Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, National Parks and Wildlife Service, 15 September 2014, p 23.

³⁹⁰ Public forum, Mr Procter Morris, 3 September 2014, p 13.

³⁹¹ Submission 11, Coonabarabran Property Owners Alliance, p 24.

³⁹² Submission 30, Name suppressed, pp 1-2.

³⁹³ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 36-37.

³⁹⁴ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 37.

National Parks and Wildlife Service and Rural Fire Service perspectives

- 7.22** In light of stakeholders' concerns, the committee sought the NPWS' explanation for its decisions in the early stages of the fire, including in relation to the use of RART and RAFT crews.
- 7.23** The Government submission indicated that by 5.30 pm Saturday reports from the fire ground included that the fire's eastern flank was unmanageable due to the steep and rocky terrain, that the western flank may have been manageable, and that it was not possible to see the head of the fire at the top of the hill. By 6.00 pm, resources on the fire ground included crews from the Gummin, Goorianawa, Warrumbungles, Tonderburine and Timor RFBs, five NPWS staff in fire fighting units, a water tanker and the NPWS Divisional Commander. The RFS Castlereagh Zone Operations Manager also attended the scene around this time. By 6.10 pm the RART had arrived and two fixed wing water bombing aircraft that had been requested at 4.35 pm dropped water and gel on the fire ground between 6.00 pm and 7.00 pm.³⁹⁵
- 7.24** Asked to respond to the claim that the fire at this stage was very small and could have been contained, Mr Mark Peacock, Director Western Branch, quoted a number of people present at the start of the fire to emphasise that very quickly it became apparent that the fire could not be fought up the difficult terrain of the hill:

I thought perhaps a useful way to address that question is to use five quotes that were provided in statements that were made after the fire, one by a national park staff member and four by Rural Fire Brigade members. These are quotes from the people who were first on the scene. The first National Parks person arrived at the fire around 4.35 pm. He said, "The fire was now across on the Wambelong Creek on the eastern side moving up the hill. It would have been about two-thirds of the way up the hill." One of the Rural Fire Brigade members stated, "We could not work on the northern and eastern edge as it was up the steep hill and we could not get to it." Another brigade member said, "We backed the tanker up to the creek bed and started fighting the fire, although it was useless as the fire had almost made it to the top of the hill behind the creek." A brigade captain said, "I could see the fire had crossed the creek and was proceeding up the hill in a westerly direction. There was nothing we could do to stop the fire creeping into the hills due to the steep terrain." Another brigade captain said, "When I first arrived the fire was approximately 150 metres to the north from the John Renshaw Parkway travelling up a steep hill. It was impossible to fight the fire from this side due to the terrain." It was perhaps a relatively small fire but burning in very difficult country.³⁹⁶

- 7.25** In relation to the RART, Mr Peacock recounted that the team arrived from Tamworth around 6.00 pm with a deadline to leave the national park by 7.15 pm to return to base owing to flying restrictions, leaving 40 minutes to an hour to work in the park. The helicopter dropped the four crew members in the Wambelong camping area then took off and undertook bucketing operations. The RART crew members then set out to chip a containment line around one edge of the fire using hand tools, achieving about 40 meters of line in the time that they had.³⁹⁷

³⁹⁵ Submission 44, NSW Government, p 19.

³⁹⁶ Evidence, Mr Peacock, 15 September 2014, p 23.

³⁹⁷ Evidence, Mr Peacock, 15 September 2014, p 24.

- 7.26** Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, NPWS, explained that RART crews usually return to base because other resources have arrived at a fire, stating, 'If the RART crew has failed to catch the fire early and extinguish it before it gets beyond about 10 hectares, then they will go back to their place of origin and the crews that arrive from the other agencies and fire authorities will work on the fire.'³⁹⁸ She stated that under normal circumstances, RART crews from both the RFS and NPWS can operate at night if the conditions are appropriate.³⁹⁹
- 7.27** Mr Peacock and Ms Stephens then emphasised that there were other significant resources on site when the RART departed, as outlined at paragraph 7.23.⁴⁰⁰
- 7.28** Mr Peacock noted that the NPWS Divisional Commander, in consultation with the others present at the time, determined that it was not safe for ground crews to fight the fire up the hill:
- [The NPWS] Divisional Commander needed to make a decision about what the appropriate strategy was to deal with that fire. He engaged with the people who were there at the time, including the brigade members, and they had a discussion about what was the appropriate strategy. It was agreed that going up that hill and sending people in there was a safety risk; they decided against it ... In one sense the issue around the RART capabilities is a bit of a moot point because the decision was made at the time to not send people in there on safety grounds.⁴⁰¹
- 7.29** Following the hearing the NPWS stated that both the steep terrain and the fire's size precluded the fire from being extinguished, and elaborated on the safety concerns:
- Steep terrain and the size of the fire were the principal barriers to any extinguishment on Saturday 12 January 2013. Consultation between the NPWS Divisional Commander and Rural Fire Brigade staff present at the fire led to a decision not to send fire fighters into the steep terrain to fight the fire overnight. This decision was made to ensure firefighter safety as falling trees and rolling rocks were assessed as significant safety risks.⁴⁰²
- 7.30** Mr Peacock explained that the decision not to send in ground crews for direct attack overnight was informed by there being only one fire trail in a horseshoe shape around the fire area. He noted that fire fighters would not have been able to use the trail as a firebreak and would have had to head off into that steep country on foot. He then asserted, 'I do not think there was anyone who was there at the time [that is, NPWS staff, RFS staff and RART crews] who believed it was feasible or safe to go up that hill and fight that fire in a direct attack that night.'⁴⁰³
- 7.31** Challenged to respond to participants' claims that had a direct attack utilising additional specialist resources been employed at that stage, even considering the terrain, the fire could

³⁹⁸ Evidence, Ms Stephens, 15 September 2014, p 24.

³⁹⁹ Evidence, Ms Stephens, 15 September 2014, p 24.

⁴⁰⁰ Evidence, Mr Peacock, 15 September 2014, p 24.

⁴⁰¹ Evidence, Mr Peacock, 15 September 2014, p 24.

⁴⁰² Answers to supplementary questions, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 8 October 2014, p 2.

⁴⁰³ Evidence, Mr Peacock, 15 September 2014, p 30.

have been extinguished, Mr Peacock responded that this answer may never be known, but that having observed the proceedings of our own inquiry and that of the Coroner, he suggested, ‘the majority if not all of that evidence has come from people who were not there at the time.’⁴⁰⁴

7.32 Mr Peacock also recounted evidence from the Coroner’s inquiry suggesting that even with significantly more RART resources, which were not likely to have been available, the fire might have been contained but not extinguished, leaving it vulnerable to the adverse weather conditions the following day:

I might also note that when the RART crew leader gave his evidence at the coronial inquiry he confirmed a statement that he had made earlier: He thought that if three or four additional RART crews had been brought in they might have been able to get around the fire but he also indicated that they would not have been able to put it out that night; at best they would have been able to chip a containment line around it and that containment would only have been useful the following day under perfect conditions. He finished by stating that in any event he doubted there were three or four RART crews available in the context of all the other fire activity [around the state at the time].⁴⁰⁵

7.33 The committee asked the RFS Deputy Commissioner Rob Rogers whether there were other RAFT crews that could have been deployed to the Wambelong fire on the Saturday evening. Mr Rogers noted that during that fire season there was an extreme shortage of RAFT because of high levels of demand across the state, to the extent that crews from the Australian Capital Territory were utilised.⁴⁰⁶ The RFS also reported that there are no RFS RAFT in the North West or Castlereagh Zones within which the Warrumbungle National Park is situated. It went on to note that during the period in question the RFS had some 140 qualified RAFT members, with many deployed to 21 separate incidents across the state during that time.⁴⁰⁷

7.34 The Committee asked Deputy Commissioner Rogers at what point would alarm bells be ringing in the RFS about the resources required to fight a fire, particularly given the prevailing weather conditions. Mr Rogers responded that the NPWS Incident Controller was the decision maker and the most informed about what was required. At that point in time the role of the RFS was simply to provide resources as requested.⁴⁰⁸

7.35 The Deputy Commissioner stated that as the provider of resources, the RFS relies on the responsible fire authority to request what actually is required, but in the context of the many fires that day around the state, at that stage of the fire there was no indication that anything was amiss:

We certainly have faith—be it in our own people or National Parks or State Forests—and we trust that if the people who are there need more resources then they will stick their hands up and say so. With the benefit of hindsight one can say, “In view of what

⁴⁰⁴ Evidence, Mr Peacock, 15 September 2014, p 31.

⁴⁰⁵ Evidence, Mr Peacock, 15 September 2014, p 25.

⁴⁰⁶ Evidence, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 15 September 2014, p 48.

⁴⁰⁷ Answers to questions on notice, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, p 4.

⁴⁰⁸ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 43.

happened, maybe it would have been good to send some more units.” But at that time with everything else that was going on and with what we knew there was no information to us to indicate that there was a significant issue that we needed to address.⁴⁰⁹

The strategy for the following morning

- 7.36** After NPWS crews left the fire at 8.30 pm, RFB crews remained on the fire ground. By this time the fire was burning in remote and steep terrain and had grown in size to an estimated 32 hectares.⁴¹⁰ According to the NSW Government submission, the initial strategy developed at that time for the Sunday morning was for a direct attack with RAFT supported by water bombing aircraft. However, at approximately 9.30 pm an updated fire spread forecast map was received from RFS State Operations, and based on the map’s interpretation, the strategy was modified to containment involving a back burn to the east of the fire from the John Renshaw Parkway, the Canyon Camp access road, Camp Blackman access road, and the eastern side of the Northern Fire Trail.⁴¹¹
- 7.37** The Coonabarabran Property Owners Alliance made very detailed criticisms in relation to this revised strategy as well as the process by which it was reached. First, the Alliance criticised the wholesale departure of NPWS staff from the fire ground so that they could develop the strategy, and also the fact that the decision to change the strategy was made without consulting the RFS Fire Control Centre in Coonabarabran.⁴¹² The Alliance further claimed that the NPWS Incident Management Team did not consult at all with the NPWS Fire Management Specialist for Warrumbungle National Park in relation to the strategy,⁴¹³ and suggested that much of the planning was done ‘in the dark’ because of a lack of aerial access and information on the fire.⁴¹⁴ A brigade member present on the Saturday evening also criticised the decision for NPWS staff to ‘go home’, leaving two RFS brigades on patrol.⁴¹⁵
- 7.38** In relation to the strategy itself, the Coonabarabran Property Owners Alliance highlighted that the fire spread forecast map which precipitated the NPWS’ revised strategy included no weather forecast component. The map predicted that the fire would spread to the north east, and, according to the Alliance, it was only after the change of strategy that a spot fire weather report was requested and subsequently received. The latter forecast contained a prediction of strong hot to very hot winds from the north west not suitable for the lighting of a back burn.⁴¹⁶ Quoting the NPWS Fire Management Manual as stating that, ‘Up to date meteorological information and forecasts are essential for developing and implementing fire suppression strategies and prescribed burns, and for ensuring the safety of personnel on the fire ground’, the Alliance asserted that without due consideration to weather information

⁴⁰⁹ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 43.

⁴¹⁰ Submission 44, NSW Government, p 20.

⁴¹¹ Submission 44, NSW Government, p 22.

⁴¹² Submission 11a, Coonabarabran Property Owners Alliance, pp 11 and 15-16.

⁴¹³ Submission 11a, Coonabarabran Property Owners Alliance, p 11.

⁴¹⁴ Evidence, Mr Lill, 4 September 2014, p 24.

⁴¹⁵ Submission 14d, Warrumbungle Fire Action Group, p 3.

⁴¹⁶ Submission 11a, Coonabarabran Property Owners Alliance, pp 2-3, 11 and 15.

when revising their plans for Sunday, the NPWS failed to comply with its own procedures.⁴¹⁷ Mr Lill expressed incredulity that the weather conditions were not duly considered, suggesting that ‘blind Freddy’ knew that the weather would be bad the following day.⁴¹⁸

7.39 Mr Morris, who contributed to the CPOA submissions, suggested that the NPWS seems not to have understood the seriousness of the situation, especially the likely effect of the weather:

In my opinion, National Parks did not understand the gravity of the situation with a small fire on Saturday and the weather that was forecast to occur on the Sunday ... National Parks failed to resource the fire appropriately for the forecast conditions and they totally underestimated what was going to happen on Sunday, even though their incident action plan stated that from 1.00 pm there were likely to be winds 30 to 45 kilometres per hour. Anybody who knows anything to do with fire knows that anything over 25 kilometres per hour is a problem.⁴¹⁹

7.40 Participants’ views about the back burn itself and the adequacy of the resources to support the NPWS’s strategy for the Sunday morning are discussed later in this chapter, in the section dealing with the events of that day.

Issues considered in the coronial inquiry

7.41 The committee notes that a number of questions with regard to the strategy for the following morning were flagged for consideration during the coronial inquiry. These included:

- To what extent were fuel loads in the presence of ephemeral fuel taken into account in strategic decisions with regard to fighting the fire?⁴²⁰
- Was the response to the fire appropriate in the circumstances, including in relation to its reliance on predictions of the fire’s activity?⁴²¹
- How effectively were the fire prediction reports prepared and utilised?⁴²² What weather information was used⁴²³ and to what extent were measures of atmospheric instability (which would have a significant effect on fire behaviour) factored into the predictions, then into decisions about the strategy for Sunday and the resources required?⁴²⁴ What steps did those who prepared the fire spread predictions take to obtain local knowledge as to the likely overall fuel load in the region before they prepared the report?⁴²⁵ What if any attention was given to the Warrumbungle National Park’s fire management plan and the regional incident procedures when the strategy was developed?⁴²⁶

⁴¹⁷ Submission 11a, Coonabarabran Property Owners Alliance, p 3.

⁴¹⁸ Evidence, Mr Lill, 4 September 2014, p 24.

⁴¹⁹ Public forum, Mr Morris, 3 September 2014, p 13.

⁴²⁰ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 50-51.

⁴²¹ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 8.

⁴²² *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 29.

⁴²³ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 31.

⁴²⁴ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 21, 23 and 32.

⁴²⁵ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 31-32.

⁴²⁶ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 42.

- Were the weather conditions, including atmospheric instability, appropriate for a back burning operation?⁴²⁷
- Should information about fire behaviour be sought from a broader range of sources for the purpose of predictions in the future?⁴²⁸
- Was the decision to change from the direct attack to indirect attack appropriate, and was a senior officer of the Rural Fire Service consulted or involved in its approval? How was the plan conceived and resourced?⁴²⁹
- When was the Castlereagh Bush Fire Management Committee informed about the fire and what involvement did it or should it have had?⁴³⁰
- Could the fire have been more effectively suppressed or controlled had resources been devoted to suppressing and monitoring the fire and carrying out property protection?⁴³¹
- To what extent was the southern containment line a sufficient focus in the incident action plan?⁴³²
- Was any time given to alternative planning?⁴³³
- What planning took place after the strategy was determined?⁴³⁴
- What property protection in relation to the visitor station and associated structures was undertaken in the early hours of the Sunday morning to try to minimise the damage that would occur if the suppression strategies were unsuccessful?⁴³⁵

National Parks and Wildlife Service and NSW Rural Fire Service perspectives

- 7.42** The committee pursued the issues raised by inquiry participants with NPWS and RFS representatives in a public hearing.
- 7.43** Mr Peacock of the NPWS confirmed that the fire prediction map was received from RFS State Operations at 9.30 pm Saturday. The map predicted that the fire would spread from its current location in an easterly direction; it was on this basis that the decision was made to undertake back burning to the east of the existing fire. He further advised that the decision to change from direct to indirect attack was made because once the fire prediction map was received, the two Incident Controllers took the view that the direct strategy, which would have relied upon putting staff directly into combat the fire in close proximity ‘was unlikely to be successful and would put fire fighters at risk.’⁴³⁶ According to the Government submission,

⁴²⁷ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 42.

⁴²⁸ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 32.

⁴²⁹ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 37.

⁴³⁰ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 51.

⁴³¹ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 37.

⁴³² *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 35.

⁴³³ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 36.

⁴³⁴ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 36.

⁴³⁵ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 29.

⁴³⁶ Evidence, Mr Peacock, 15 September 2014, p 30; see also submission 44, NSW Government, p 22.

firefighter safety was of paramount concern, and the prediction that a direct strategy had a low probability of success was based on several factors:

- it was not possible to reach significant parts of the fire on foot
- there was up to two or three kilometres of fire front to be contained, based on prognosis mapping
- the remoteness and topography of the fire ground
- the predicted rates of spread
- field observations from NPWS and RFS crews.⁴³⁷

7.44 The Government submission stated that the aims of the containment strategy were to create a fire control line ahead of the predicted fire spread, to limit the fire spread to the north of John Renshaw Parkway and west of the Northern Fire Trail, and to contain the fire within existing control lines. It also noted that a similar strategy was successfully employed in the same location in 1990.⁴³⁸

7.45 In relation to process, Mr Peacock advised that consistent with the consultative approach built into the bush fire management planning process, NPWS' decisions on 12 and 13 January were made in a consultative way. He told the committee, 'We take responsibility for the decisions that we made, but we relied on the views and the expertise of local Rural Fire Brigade members.'⁴³⁹ Questioned as to whether RFS officials were involved in the decision to change from direct attack to indirect attack, Mr Peacock confirmed that they were not, and that the RFS was notified of the decision at 3.45 am; then at 6.00 am NPWS spoke with an RFS staff member about the decision. He advised that there was no conscious decision not to involve the RFS; nor was it the case that they were not available.⁴⁴⁰

7.46 The Government submission indicated that the change in strategy occurred at about 10.30 pm,⁴⁴¹ and noted the internal discussions that preceded the decision:

The proposed change from direct to indirect attack was discussed at the time of shift changeover for the NPWS Incident Controller, with both the departing and incoming NPWS Incident Controllers discussing and agreeing to the modified strategy. After the shift change had been completed the incoming NPWS Incident Controller completed the [Incident Action Plan] and loaded it onto the [RFS Incident Control On-Line system - ICON], as required.⁴⁴²

7.47 Asked whether, looking back, the NPWS considers that it would have been better to have asked the RFS whether an indirect attack with a back burn was a viable strategy, Mr Peacock

⁴³⁷ Submission 44, NSW Government, pp 22-23; see also answers to supplementary questions, Mr Bailey, 8 October 2014, p 5.

⁴³⁸ Submission 44, NSW Government, p 22.

⁴³⁹ Evidence, Mr Peacock, 15 September 2014, p 34.

⁴⁴⁰ Evidence, Mr Peacock, 15 September 2014, pp 37-38.

⁴⁴¹ Submission 44, NSW Government, p 22.

⁴⁴² Submission 44, NSW Government, p 23.

indicated that this had been one of the lessons learnt from the fire, and had fed into new procedures (which are discussed in a later section of this chapter).⁴⁴³

- 7.48** The committee asked NPWS representatives to respond to the assertion that even with the RFS fire prediction map that was deficient because it did not take into account the weather prediction for the following day, NPWS officers should have known that the prevailing conditions would have meant that that fire spread plan was incorrect and should have planned accordingly. Mr Peacock answered, ‘We put a considerable deal of faith and reliance in the forecast model that had been provided to us. We based our strategy around the information that was provided from State Operations.’⁴⁴⁴ He went on to acknowledge that past experience was also a factor, noting that the same strategy was successfully used in the same location previously.⁴⁴⁵
- 7.49** In response to a question as to why was not the fire ground under full watch over night, the NPWS responded that during the period it was in control of the fire, fire fighters were in attendance at the fire ground at all times.⁴⁴⁶ The NPWS also advised the committee that ‘the decision to send NPWS crews home overnight was a deliberate decision made in preparation for the likely significant effort required the following day, of which NPWS crews would be required to play a key role.’⁴⁴⁷
- 7.50** Committee members took up the issue of the deficient RFS fire spread forecast map with Deputy Commissioner Rogers. He stated that the map was prepared using the Phoenix computer-based fire prediction technology that was ‘pretty much in its infancy’ at the time. He explained that the technology takes into account the type of fuel present, the topography and the predictions of wind for that day and after comparison with a manual prediction, a final map is produced. Asked why its prediction was so wrong, the Deputy Commissioner responded that one of the limitations of the modelling (and with any manual predictions) is that it cannot take account of wind-driven or plume-driven fires. Under these circumstances, when a fire gets to a certain size the plume assumes such a proportion that it generates its own wind system in that area, and this makes the fire behave very erratically. The Deputy Commissioner advised the committee that this issue has been raised with the developers of the Phoenix system and with the Bushfire and Natural Hazards Cooperative Research Centre to see if further alignment can be achieved.⁴⁴⁸
- 7.51** The Deputy Commissioner went on to underscore that forecast predictions, whether manual or computerised, should always be utilised cautiously, with the individual drawing on their experience and judgment to consider what they realistically think a fire will do.⁴⁴⁹ Asked whether the flawed fire prediction map means that the RFS shares some culpability in the inability to manage the fire appropriately, the Deputy Commissioner defended his service and argued that such maps are explicitly provided as a guide only:

⁴⁴³ Evidence, Mr Peacock, 15 September 2014, p 38.

⁴⁴⁴ Evidence, Mr Peacock, 15 September 2014, p 38.

⁴⁴⁵ Evidence, Mr Peacock, 15 September 2014, p 38.

⁴⁴⁶ Answers to supplementary questions, Mr Bailey, 8 October 2014, p 3.

⁴⁴⁷ Answers to supplementary questions, Mr Bailey, 8 October 2014, p 5.

⁴⁴⁸ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 49.

⁴⁴⁹ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 49.

No, I reject that completely. The fact is the fire behaviour analyses are provided as a guide. If you happen to want to look at the document, plastered all over the document are all of the limitations that that product brings with it. One of them is that it cannot simply be relied upon blindly. It never has been intended to be and every incident controller training we provide says to not simply take these things as a one-stop shop and that you cannot put all your eggs in one basket. I do not believe that that is the case.⁴⁵⁰

Sunday morning, 13 January 2013

7.52 The committee now turns to the events of the morning of Sunday 13 January 2013, up until soon after the section 44 was invoked, at which time responsibility for the fire response shifted from the NPWS to the RFS. Here we consider four particular issues raised by inquiry participants that we pursued with government representatives: the resourcing of the strategy, including the notification of local brigades; the back burn itself; the timing of the section 44 declaration and the broader issue of who should be in charge of a bush fire response, at what point in time; and notification of the public about the fire.

7.53 As set out in the sequence of events in chapter 3, following the decision overnight on Saturday to change the strategy for Sunday from direct to indirect attack, the back burn commenced shortly before 7.45 am. At approximately 11.00 am, the Rural Fire Commissioner declared his control over the area in which the fire was occurring and appointed an RFS Incident Controller. Shortly after 11.30 am, the back burn, which at that time remained within containment lines, was suspended at the request of the RFS. NPWS and RFB crews continued on site to patrol the back burn. Soon after 1.00 pm the fire was reported to have crossed the John Renshaw Parkway.⁴⁵¹ At 1.12 pm it was reported to be growing rapidly, ‘with jump overs everywhere’ and more crews urgently required.⁴⁵²

Resourcing the strategy

7.54 In addition to their strong criticisms of the strategy itself for Sunday, numerous participants were very critical of the level of resourcing by which the strategy was operationalised.

7.55 The Coonabarabran Property Owners Alliance again made a detailed critique, arguing that the NPWS failed to provide suitable and sufficient resources for the goal of containing the fire, particularly in the context of the predicted adverse weather conditions.⁴⁵³ Its assertions included that:

- Not only did the NPWS not request its own or RFS RAFT crews for Sunday morning; it made no request for RFS support, water tankers, fixed-wing aircraft, rotary-wing aircraft or aviation fuel tankers.⁴⁵⁴

⁴⁵⁰ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 49.

⁴⁵¹ Submission 44, NSW Government, p 22-24.

⁴⁵² Submission 11a, Coonabarabran Property Owners Alliance, p 11.

⁴⁵³ Submission 11a, Coonabarabran Property Owners Alliance, p 15.

⁴⁵⁴ Evidence, Mr Lill, 4 September 2014, p 15.

- Fire fighting aircraft were not brought back in to fight the fire early on Sunday morning, so there was no early aerial attack.⁴⁵⁵
- There were insufficient tankers and personnel present to contain both the original fire and the back burn.⁴⁵⁶
- Only one RFS category 7 (light) tanker patrolled approximately 1.5k of road near the fire to prevent spot overs. The remaining resources and efforts – four category 9 (mop up) strikers, one category 7 and one category 1 (heavy) tanker, one helicopter, one grader and one loader were all directed toward the back burn.⁴⁵⁷
- The incident action plan prepared by the overnight NPWS Incident Controller listed the NPWS resources as four crews, with the RFS to be confirmed; a call by the Incident Controller at 6.00 am to the RFS Fire Control Centre Coonabarabran requested two crews only.⁴⁵⁸
- The NPWS Incident Controller arranged for a grader to attend the fire ground at 8.00 to 8.30 am, long after daylight at 5.00 am.⁴⁵⁹

Notifying local brigades

7.56 One particular aspect of resourcing emerged in evidence as very contentious. A number of Rural Fire Brigade volunteers made the serious allegation that the RFS Fire Control Centre at Coonabarabran (Castlereagh Office) did not notify local captains of the fire, nor place them on standby, despite its obligation to do so.

7.57 Mr Michael Bowman, Deputy Group Captain for the Warrumbungle area, whose four brigades were responsible for covering fires in the area in which the Wambelong fire occurred,⁴⁶⁰ advised the committee that he and other local captains were only notified of the fire by group text message well after the section 44 was declared and the fire was out of control:

I have many concerns with the way this fire was handled. From the outset there was a complete absence of communication with local captains such as myself. My first knowledge of the fire came at 7pm on Saturday when one of my sons happened to see it mentioned on the RFS website. In response the Fire Control Office in Coonabarabran was contacted and we were told it was “under control and not to worry about it”. The following day at 5pm (January 13th), some 25 hours or more after the fire had started, I received a group text message advising the fire was now out of control. At that stage it had apparently been out of control for many hours and a Section 44 declared that morning, yet as Deputy Group Captain of the

⁴⁵⁵ Submission 11, Coonabarabran Property Owners Alliance, p 22; submission 11a, Coonabarabran Property Owners Alliance, p 16.

⁴⁵⁶ Submission 11, Coonabarabran Property Owners Alliance, p 17.

⁴⁵⁷ Submission 11a, Coonabarabran Property Owners Alliance, p 11; see also submission 11, Coonabarabran Property Owners Alliance, p 8.

⁴⁵⁸ Submission 11a, Coonabarabran Property Owners Alliance, p 17

⁴⁵⁹ Evidence, Mr Lill, 4 September 2014, p 15.

⁴⁶⁰ Evidence, Mr Rod Young, Representative, Warrumbungle Fire Action Group, 4 September 2014, p 28.

Warrumbungle area the text message was the first communication I'd received from Fire Control Office.⁴⁶¹

7.58 Mr Peter Hellyer, Captain of the Gowang Brigade, made the same claims to the committee, asserting that communications from the Fire Control Centre to local brigades in the southern area of the fire were 'non-existent' despite action being taken in his brigade area and the Fire Control Centre's obligation to inform group captains and activate the chain of command. He told the committee that like Mr Bowman, he found out about the fire through other channels and put his brigade on standby of his own volition.⁴⁶²

7.59 Mr Richard Stringer, Captain of the Yaminbah Brigade to the east of Coonabarabran, told the committee that he was not notified of a separate fire in that area on the Sunday. He went on to assert that there was no preparation or communication from the Fire Control Centre in light of the extreme conditions. Mr Stringer argued that not placing local brigades on standby impeded an early response to the fire:

Earlier in the day we did not have any stand-by and no-one was notified—I think that was a major problem ... a small fire is what we can deal with, not a large catastrophic one. When we have so many brigades that were available doing absolutely nothing ... they were not utilised, and this is a huge error.⁴⁶³

7.60 Mr Steven McCoy, retired captain of the Yaminbah Brigade, advised that the failure of the local RFS office to notify local captains of a fire in their area has been a longstanding issue.⁴⁶⁴

7.61 The Volunteer Fire Fighters Association also took up this matter with the committee, with Mr Brian Williams, Deputy President, underscoring RFS officers' obligation to keep brigades informed:

One of the big problems in the early stages was that there were a lot of group captains in that Coonabarabran area that were not even informed that they had a fire or had no knowledge of what was going on.⁴⁶⁵

7.62 Other participants who commented on the early deployment of brigades included Mr Paul Mann, General Manager of Gilgandra Shire Council, who noted '[d]elay in mobilising support for fire fighting on both the Saturday and Sunday.'⁴⁶⁶ The Coonabarabran Property Owners Alliance alleged that an audit of most of the brigades surrounding the Warrumbungle National Park indicated that none were requested to attend the fire on Sunday except the two that attended.⁴⁶⁷

⁴⁶¹ Submission 36, Mr Michael Bowman, p 3.

⁴⁶² Submission 15, Mr Peter Hellyer, pp 1 and 4-5; see also submission 14, Warrumbungle Fire Action Group, p 4.

⁴⁶³ Public forum, Mr Richard Stringer, 3 September 2014, p 15.

⁴⁶⁴ Public forum, Mr Steven McCoy, 3 September 2014, p 16.

⁴⁶⁵ Evidence, Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, 15 September 2014, p 16.

⁴⁶⁶ Submission 28, Gilgandra Shire Council, p 3.

⁴⁶⁷ Submission 11a, Coonabarabran Property Owners Alliance, p 15.

7.63 Mr Andrew Young, Captain of the Napier Lane bush fire brigade, had a different view, stating that he was aware of the fire on the Saturday afternoon and went with his crew to the Fire Control Centre on Sunday morning to await instructions. They were deployed to two fires and then to the Wambelong fire. He asserted, 'I don't believe you should always wait to be called to assist. Brigades and individuals can call and offer assistance. It saves valuable time for those that are trying to prepare, warn and protect the community.'⁴⁶⁸ He further proposed that these matters were adequately acknowledged and dealt with following the post fire After Action Review.⁴⁶⁹

Issues considered in the coronial inquiry

7.64 A number of questions about resourcing of the strategy for Sunday morning were flagged for consideration during the coronial inquiry. These included:

- Why weren't more resources deployed on the morning of the 13 January including air support for surveillance and slowing down fire spread, additional ground crews to monitor and maintain John Renshaw Parkway as the containment line, and additional heavy equipment to assist with property protection and clearing fire breaks?⁴⁷⁰
- Could the resources deployed on the Sunday afternoon have been deployed on the Saturday evening or early on the Sunday morning? If so, should they have been deployed and would it have made any difference?⁴⁷¹
- Should an NPWS officer's request to the Incident Controller for more crews at 8.30 am have been an early indication that there may have been difficulties controlling the back burn and that significant resources should have been made available?⁴⁷²
- Who was in control of arranging air support for 12 and 13 January⁴⁷³ and why weren't the aircraft that were on standby at Dubbo, Tamworth and Gunnedah airports on Sunday morning not tasked from first light?⁴⁷⁴
- Why were only three fire fighters monitoring the John Renshaw Parkway when it was identified as being a key containment line?⁴⁷⁵
- Had NPWS fire officers received training in fighting fires within structures as opposed to fighting fires within the bush?⁴⁷⁶

National Parks and Wildlife Service and NSW Rural Fire Service perspectives

7.65 According to the Government submission, crews progressively arrived at the fire ground on Sunday morning, with nine NPWS officers implementing the back burn, two to three RFS

⁴⁶⁸ Submission 55, Mr Andrew Young, pp 1-2.

⁴⁶⁹ Submission 55, Mr Andrew Young, pp 1-2.

⁴⁷⁰ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 37-38.

⁴⁷¹ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 37-38.

⁴⁷² *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 41.

⁴⁷³ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 26.

⁴⁷⁴ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 44.

⁴⁷⁵ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], pp 46-47.

⁴⁷⁶ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 48.

crews assisting in keeping the fire within control lines, and both NPWS owned and contract heavy plant machinery consolidating containment lines and protecting assets.⁴⁷⁷

- 7.66** The NPWS stated that based on the containment strategy, appropriate NPWS resources were allocated to the task on Sunday, with RFS resources also on hand to support the back burn and patrol other sections of the fire. NPWS had requested air resources the previous evening to be available for Sunday morning.⁴⁷⁸ In relation to requests for aircraft, the NPWS advised the committee:

On 12 January the NPWS incident controller submitted a request to State Air Desk requesting aircraft for the morning of 13 January. The NPWS incident controller confirmed the request via phone at 7.40 pm on 12 January. The first aircraft, Firebird 239, arrived at approximately 9.00 am. The second aircraft, Helitack 263, arrived at approximately 11.00 am.⁴⁷⁹

- 7.67** The committee pursued the allegations that the Fire Control Centre did not notify local brigades and declined offers of assistance. Deputy Commissioner Rogers confirmed that the RFS District Controller is responsible for the allocation of fire fighters within the region and keeping them informed through the chain of command as to what is occurring.⁴⁸⁰ Later in the hearing, Deputy Commissioner Rogers further indicated that he considered it reasonable that group captains and deputy group captains within the lineal command structure would be informed of the deployment of one of their units.⁴⁸¹

- 7.68** Mr Rogers acknowledged that communication with local brigades in the early stages of the fire should have been better, and reported that officers explained that this was because they were overwhelmed with responding to the fire:

I think one of the after-action reviews that was carried out with brigade members acknowledged that there ought to be have been more proactive communication to brigade members generally in the whole area. The staff in the office said they agreed that would be something they should have done. They were just simply overwhelmed at the time with the amount of work they were doing, with how much they were trying to get done and their capacity to simply do stuff. But it was acknowledged and it was agreed that that is something we ought to be doing better.⁴⁸²

- 7.69** Asked whether it was the case that captains from Tooraweenah and Coonamble offered their assistance but were told they were not required, the Deputy Commissioner stated that the possible explanation was that the NPWS had only sought two units, and this would have been taken in good faith:

... we will rely on requests for assistance by the incident controller at the time, which was the National Parks and Wildlife Service. So if they are suggesting to us that they want two units then that is what we provide and we accept that that is what they want. I guess we take that information on good faith. I think in hindsight you could sit here

⁴⁷⁷ Submission 44, NSW Government, p 23.

⁴⁷⁸ Answers to supplementary questions, Mr Bailey, 8 October 2014, p 2.

⁴⁷⁹ Submission 44, NSW Government, p 23.

⁴⁸⁰ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 45.

⁴⁸¹ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 50.

⁴⁸² Evidence, Deputy Commissioner Rogers, 15 September 2014, p 42.

and say, “Well, maybe some more should have been sent,” and maybe there should have been. The fact is that, in the situation as it was, they were managing the incident and we provided the resources we were asked to provide.⁴⁸³

7.70 The RFS advised that it is not standard procedure for all group captains and captains to be alerted to all incidents in their district/team/zone. Rather, group captains and/or captains situated closest to the fire are usually alerted. According to the RFS, this practice was followed on 12 January 2013 and prior to the section 44 declaration on 13 January, while the fire was under the control of the NPWS. In accordance with requests from NPWS Incident Control, five crews from brigades directly bordering the incident area (from both the Castlereagh Zone and North West Zone) responded. This included a group captain who was involved in firefighting operations. As operations escalated on the Sunday and the following days, other group captains and deputy group captains were progressively notified and further brigades responded.⁴⁸⁴

7.71 The RFS acknowledged that once the fire was escalating, local group captains and brigades should have been notified; however, its rapid escalation meant that the RFS incident management team (IMT) was overwhelmed:

It is acknowledged that given the size and intensity of the Wambelong Fire, local NSW RFS Group and Brigade Captains should have been notified of an incident once the fire started escalating. During the Wambelong Fire, however, when the fire started escalating under challenging conditions, the local IMT was overwhelmed.⁴⁸⁵

Criticisms of the back burn

7.72 As noted in the sequence of events in chapter 3, the back burn commenced shortly before 7.45 am Sunday 13 January. Following the section 44 declaration at 11.00 am, the back burn was suspended soon after at 11.30 am at the request of the RFS.⁴⁸⁶

7.73 Consistent with the earlier discussion on the strategy for Sunday, numerous stakeholders were extremely critical of aspects of the back burn.

7.74 As noted earlier, the Coonabarabran Property Owners Alliance asserted that the back burn was fundamentally the wrong strategy, given the forecast of hot to very hot north westerly winds and the extreme fire danger rating, circumstances in which spotting was very likely to occur.⁴⁸⁷ Similarly, an NPWS employee with extensive knowledge of the area’s topography and experience in fighting fires there also criticised the decision to execute the back burn operation under predicted weather conditions.⁴⁸⁸

7.75 According to the Alliance, the decision to back burn contravened the RFS operational procedure that back burning is not to be conducted when the fire is running in extreme

⁴⁸³ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 42.

⁴⁸⁴ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 2.

⁴⁸⁵ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 2.

⁴⁸⁶ Submission 44, NSW Government, p 23.

⁴⁸⁷ Submission 11, Coonabarabran Property Owners Alliance, pp 21-22.

⁴⁸⁸ Submission 30, Name suppressed, pp 3-4.

conditions or the weather is forecast to create extreme conditions before a back burn is likely to be secured.⁴⁸⁹ The Alliance cited a number of other NPWS procedures concerning back burns and queried whether certain conditions set out in the NPWS Fire Management Manual, including the following, were met:

Clause 883 - Burning operations should NOT be undertaken when:

- People and property are within the burn area without adequate protection
- Long-distance spotting is occurring or likely to occur
- The fire edge is too close to the control line to permit safe operations
- Control lines are inadequate for containing the burn
- There is insufficient time and resources available, or
- Firefighting personnel believe the conditions are unsafe.⁴⁹⁰

7.76 According to the Alliance, as a result of the back burn, the amount of fire on the ground doubled by midday,⁴⁹¹ and because the prescribed burn was lit to the east of the original fire, when the winds picked up they made the back burn very hard to control, actually pushing it away from the original fire.⁴⁹² Mr Morris, who was present fighting the fire that morning, reported that after the fire crossed the John Renshaw Parkway and headed south, the back burn later caused problems with spot-overs and ‘it all just went pear-shaped after that.’⁴⁹³ The Alliance asserted that:

- after control was lost, the back burn crowned over the visitor centre and later destroyed it⁴⁹⁴
- the back burn fire actually became the predominant fire⁴⁹⁵
- by not containing the back burn, the NPWS again breached its own procedures.⁴⁹⁶

7.77 There was a perception among numerous other inquiry participants that the back burn itself contributed significantly to the devastation that followed. For example, Mr Bowman referred to the ‘fatal decision’ to back burn that morning.⁴⁹⁷ Ms Fiona Selmes argued that, ‘It was the back burn that got out of control and did the damage’,⁴⁹⁸ while Ms Lois Wilkinson proposed that it was the back burn ‘which escalated the fire to the inferno that it became.’⁴⁹⁹ Mr Keith Lambell, Captain of the Tonderburine Brigade, attended the start of fire on Saturday evening and again Sunday morning. He reported, ‘They lost control of the fire when the wind changed at 11 am ... Their back-burning had become a raging inferno.’⁵⁰⁰

⁴⁸⁹ Submission 11, Coonabarabran Property Owners Alliance, pp 21-22.

⁴⁹⁰ Submission 11a, Coonabarabran Property Owners Alliance, pp 12-13; see also submission 33a, Mr John Shobbrook, p 3.

⁴⁹¹ Submission 11a, Coonabarabran Property Owners Alliance, attachment 3, p 16.

⁴⁹² Submission 11, Coonabarabran Property Owners Alliance, pp 8 and 22.

⁴⁹³ Public forum, Mr Morris, 4 September 2014, pp 21-22.

⁴⁹⁴ Submission 11, Coonabarabran Property Owners Alliance, p 18.

⁴⁹⁵ Submission 11, Coonabarabran Property Owners Alliance, p 45.

⁴⁹⁶ Submission 11a, Coonabarabran Property Owners Alliance, p 17.

⁴⁹⁷ Evidence, Mr Bowman, 4 September 2014, p 29.

⁴⁹⁸ Submission 24, Ms Fiona Selmes, p 1.

⁴⁹⁹ Submission 5, Mrs Lois Wilkinson, p 2.

⁵⁰⁰ Public forum, Mr Keith Lambell, 3 September 2014, p 6.

Issues considered in the coronial inquiry

7.78 A number of questions about the back burn were flagged for consideration during the coronial inquiry. These included:

- How appropriate was the decision to back burn, the manner in which it was carried out, its timing and physical location, and the precise time that it ceased?⁵⁰¹
- Did the back burning operation cause in any material way an increase in the size of the fire?⁵⁰²
- Was the decision to back burn along the road rather than the creek passed on to those conducting the burn?⁵⁰³
- Was the back burning plan one of broad containment burning well beyond the actual head of the fire or was it one of close containment, with the back burn to stay in close proximity with the head of the fire at all times?⁵⁰⁴

National Parks and Wildlife Service and Rural Fire Service perspectives

7.79 The Government submission provided some detail on the implementation of the back burn, and stated that by mid Sunday morning, the back burn's implementation had progressed well. The Divisional Commander assessed that the back burning should not be advanced any further than was needed to protect park facilities from any approaching fire; he decided to only continue employing back burning at that time to maintain a short distance of burnt edge ahead of the fire front.⁵⁰⁵

7.80 According to the Government submission, when the fire was reported to have crossed the John Renshaw Parkway at around 1.00 pm, this was well away from the back burn:

Fire ground observations indicate that the fire initially crossed to the south of the John Renshaw Parkway at the western end of the fire ground and independent of the area where the back burning operations had been conducted; which was some distance away on the eastern end of the fire ground.⁵⁰⁶

7.81 The committee did not directly seek the Deputy Commissioner's view on the back burn. However, when asked about the transition that occurred once the section 44 was declared, he gave some insight into the reasons for the declaration, stating, 'My understanding is that a level of concern was expressed on the morning when the back burning strategy was discovered and the fire behaviour was starting to pick up.'⁵⁰⁷

⁵⁰¹ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 52.

⁵⁰² *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 37.

⁵⁰³ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 39.

⁵⁰⁴ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 42.

⁵⁰⁵ Submission 44, NSW Government, p 23.

⁵⁰⁶ Submission 44, NSW Government, p 23.

⁵⁰⁷ Evidence, Deputy Commissioner Rogers, 15 September 2013, p 45.

Authority over the fire

7.82 A key issue for the inquiry is whether the Wambelong fire would have been so devastating had the RFS instead of the NPWS been the responsible fire authority from the time that the fire started, or had the RFS taken authority sooner via an earlier section 44 declaration. Here the committee considers the timing of the declaration and future arrangements for command and control of bush fires.

Timing of the section 44 declaration

7.83 The terms of reference for our inquiry called for the committee to consider the timing of the section 44 declaration. Up until the section 44 was declared at around 11.00 am Sunday morning, the Wambelong fire was classified as a class 1 fire, that is, it was under the control of the responsible fire authority – in this case the NPWS. As noted in chapter 2, the section 44 declaration had the effect that:

- the RFS Commissioner assumed authority over the fire
- a bush fire emergency was declared and the NSW Emergency Management Plan invoked
- the incident became a class 3 fire, at which time the RFS became responsible for coordinating the fire response
- a greater level of resources became available with which to fight the fire.⁵⁰⁸

7.84 Asked to comment on the timing of the section 44 declaration, both Councillor Peter Shinton, Mayor of Warrumbungle Shire Council (and Chair of the Castlereagh Bush Fire Management Committee, whom the RFS duly consulted about the declaration) and Councillor Douglas Batten, Mayor of Gilgandra Shire Council, both believed that the timing of the declaration was appropriate.⁵⁰⁹

7.85 Mr Steve Loane, General Manager of the Warrumbungle Shire Council, did not comment on timing, but ventured that those making the decision about calling section 44s need better guidelines and support:

I feel there needs to be better support for those on the ground making decisions. I know money has a lot to do with declaring a section 44. I have a feeling that people making those decisions are somewhat gun-shy, because if you call a section 44 that invokes a stack of rules and regulations about how money can be spent et cetera. The guidelines and the support for those making the decisions should be much clearer. They should be given greater autonomy and authority to make that decision.⁵¹⁰

⁵⁰⁸ Submission 44, NSW Government, p 5.

⁵⁰⁹ Evidence, Cr Peter Shinton, Mayor, Warrumbungle Shire Council, and Chair, Castlereagh Bushfire Management Committee, 4 September 2014, p 2; evidence, Cr Douglas Batten, Mayor, Gilgandra Shire Council, 4 September 2014, p 2.

⁵¹⁰ Evidence, Mr Steve Loane, General Manager, Warrumbungle Shire Council, 4 September 2014, p 13.

7.86 Mr Brian Williams, Vice President of the Volunteer Fire Fighters Association, suggested that there seems to be a ‘concerted effort’ on the part of the RFS and NPWS not to tackle fires early. He proposed that this relates to the resources that become available once a section 44 is declared, but argued that it puts fire fighters at very significant risk:

[T]he reality is that there seems to be concerted effort not to tackle fires early; and this is probably for the section 44 money. The line that will be used from time to time is that we always err on the side of safety. So in the initial phases of a fire they hold people back because they say, “No, it is too dangerous.” ... But when the fire is crowning through the tops of the trees and all hell breaks loose that is when they send us in. It is madness. They hold us back in the early stages, the fire gets up to a section 44, it is roaring like a bull and in we go. As an experienced firefighter I am getting sick of being thrown into the deep end time and time again.⁵¹¹

7.87 Questioned by the committee, Mr Williams agreed that had the section 44 been declared earlier, the damage from the Wambelong fire may not have been nearly so great and the overall cost very much lower.⁵¹²

Issues considered in the coronial inquiry

7.88 A number of questions with regard to the timing of the section 44 declaration were flagged for consideration during the coronial inquiry. These included:

- How the fire was classified, whether its classification was at all times appropriate, and what impact this had upon the spread of the fire and how the fire was predicted to behave.⁵¹³
- Given the predicted rate of spread of the fire and predicted high temperatures and other conditions, was it appropriate to continue to classify the fire as a class 1 fire on the evening of 12 January 2013?⁵¹⁴
- Should the section 44 declaration have been made earlier on the Sunday, and if so, when?⁵¹⁵
- What is the role of a pre-emptive section 44 declaration or other steps taken in advance of a fire breaking out in circumstances where the environmental factors are conducive to a catastrophic fire event?⁵¹⁶

NSW Rural Fire Service perspective

7.89 The RFS explained to the committee how the section 44 came to be declared:

On the morning of 13 January 2013, the NSW RFS District Office personnel contacted the State Operations Centre to discuss the conditions on the fire ground of

⁵¹¹ *In camera* evidence, Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, 15 September 2014, p 2. Evidence published by resolution of the committee.

⁵¹² *In camera* evidence, Mr Williams, 15 September 2014, p 2.

⁵¹³ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 8.

⁵¹⁴ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 36.

⁵¹⁵ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 45.

⁵¹⁶ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 16.

the Wambelong Fire including the back burning strategy and the amount of fire on the ground. State level discussions were then held in relation to the potential for this fire to rapidly escalate given the deteriorating weather conditions and the potential impact of an uncontrolled fire. Representatives of the local [Bush Fire Management Committee] in the area were then consulted and supported the declaration.⁵¹⁷

7.90 The RFS acknowledged that with the benefit of hindsight, an earlier declaration may have been beneficial for both planning and communications:

Given the severity of the fire and the resulting damage, with the benefit of hindsight, it is reasonable to conclude there would have been benefits to an earlier s44 declaration as this would have increased visibility of risk and potential for the fire to escalate as well increase resource availability. It may have also allowed for less reactive planning and communications arrangements to be put in place.

However, on the day, decisions are made based on the information available at the time.

Typically, the first 24 hours of a large, fast moving, aggressive bush fire under extreme weather conditions are always challenging. Operational responses are very reactive and situational awareness is very difficult to maintain given rapidly changing conditions.⁵¹⁸

7.91 The RFS went on to note that new operational arrangements agreed with the NPWS will provide greater visibility and oversight of the management of all fires and enhance the Commissioner's ability to make a section 44 declaration.⁵¹⁹ The new arrangements are discussed in detail in the following section.

Who should have authority?

7.92 A number of participants called for more effective arrangements in respect of authority over the bush fire response.

7.93 Several stakeholders argued that the RFS should have full control over fire fighting activities, even on national park land. The Coonabarabran Property Owners' Alliance asserted that the RFS should have control because it has 'a culture of aggressively attacking fires to achieve early and total suppression.'⁵²⁰ Mr John Thring also proposed that the RFS should have control, emphasising that NPWS should still immediately notify the RFS of any outbreak and attend any outbreak quickly.⁵²¹ The author of submission 52 suggested that a culture and attitude has developed within the NPWS that seeks to protect its jurisdiction over fires on park land, and went on to argue that unlike the RFS, the NPWS' core business is not fighting fires:

The attitude and internal culture of National Parks and Wildlife Service that has developed over many years in the belief that this is 'their fire' ... It is my opinion that

⁵¹⁷ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, pp 12-13.

⁵¹⁸ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, pp 12-13.

⁵¹⁹ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, pp 12-13.

⁵²⁰ Submission 11, Coonabarabran Property Owners Alliance, p 46.

⁵²¹ Submission 1, Mr John Thring, pp 1-2.

National Parks Rangers are employed primarily to be caretakers of the park environment, the wildlife and flora and fauna. The role of the Rural Fire Service, as their name implies, whether it be volunteer or professional, is to fight fires and extinguish the fire as soon as possible.⁵²²

- 7.94** Mr Peter Cannon, President of the Volunteer Fire Fighters Association, also observed that fire fighting is the core business of the RFS, asserting that the NPWS should actually have its fire fighting authority taken away:

There should only be one rural firefighting authority and not National Parks. We are of the opinion that the firefighting authority should be removed from National Parks because they are not fire fighters; they are a national park.⁵²³

- 7.95** Alluding to longstanding tensions between the NPWS and the RFS over the demarcation in their responsibilities, one brigade captain who contributed to the Warrumbungle Fire Action Group submissions argued that for the sake of timely and effective response, RFS crews need clarity about the circumstances in which brigades should fight fires on national park land.⁵²⁴

- 7.96** Mr Richard Stringer, Brigade Captain, called for greater cooperation between the RFS and NPWS, noting that the need for this has been recognised since the fire:

I would like to think that there is proper cooperation between RFS and National Parks. There should be but there does not seem to be. I think after this fire it certainly has improved dramatically. In 2013-2014 there has been a lot of awakening in that regard ...⁵²⁵

National Parks and Wildlife Service and Rural Fire Service perspectives

- 7.97** Mr Terry Bailey, Chief Executive of the Office of Environment and Heritage (OEH), advised the committee that informed by lessons from the 2012-2013 fire season, the NPWS and RFS have developed and implemented interim arrangements, issued in July 2014, clarifying command and control provisions and the notification requirements for fire fighting authorities in class 1 and class 2 fires. He told the committee:

These arrangements mean that the Rural Fire Service or Fire and Rescue NSW have ultimate responsibility for all bush fires regardless of tenure and are responsible for the appointment of incident controllers. NPWS strongly supports those arrangements and supports the enhanced emphasis on notification and communication procedures.⁵²⁶

- 7.98** According to the OEH, the interim arrangements require that fire fighting authorities who are managing fires on their land immediately notify the RFS or Fire and Rescue NSW, and keep them fully informed regarding:

⁵²² Submission 52, Name suppressed, p 5.

⁵²³ Evidence, Mr Peter Cannon, President, Volunteer Fire Fighters Association, 15 September 2014, p 16.

⁵²⁴ Submission 14d, Warrumbungle Fire Action Group, pp 6-7

⁵²⁵ Public forum, Mr Richard Stringer, 3 September 2014, p 15.

⁵²⁶ Evidence, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 15 September 2014, p 21.

- the location, size and behaviour of the fire
- any known injuries or damage to property
- the local weather conditions
- the available land management agency's resources attending the fire
- the proposed strategy to contain or control the spread of the fire.⁵²⁷

7.99 Illuminating the rationale for these changes, the Government submission acknowledged that in class 1 and 2 fires there is a 'need to keep the fire services fully informed and obtain their agreement with the control strategies to be employed by land managers who are managing fires on their lands.'⁵²⁸ It went on to state that the changes 'will remove any unintended ambiguity regarding the legislative authority' of the RFS and Fire and Rescue NSW in relation to public lands.⁵²⁹

7.100 Deputy Commissioner Rogers explained to the committee what the new arrangements mean in practice. NPWS and the Forestry Corporation of NSW will continue to respond to fires on or adjacent to their managed land and may be the first agency in attendance at a fire. They can still manage the incident and appoint their local incident controller, with the following provisos: the RFS expects appropriate notification of the fire and appropriate situation reports; and it understands the strategies being employed and resources being deployed to the fire. In sum, the RFS must be satisfied that the agency's plans are sufficient to bring a speedy resolution to that fire. In addition, the RFS reserves the right to take over management of a fire if it was not convinced that it is being managed properly.⁵³⁰ According to the Deputy Commissioner:

These arrangements seek to strike a necessary balance between efficient use of resources and cooperation between fire agencies, while recognising there is a single chain of command. It also reinforces the unequivocal statutory responsibility of the RFS ... to keep the public informed ... We are confident that these new arrangements will ensure that the incident control protocols are clear to those responding to fires while preserving the principles of cooperative firefighting arrangements, which have served this State for many years.⁵³¹

7.101 The new arrangements were endorsed by the Bush Fire Coordinating Committee in July 2014 and have been operational during the 2014-2015 bush fire season.⁵³²

7.102 Questioned as to whether the RFS would have the capacity to effect a different model, in which the legislation was amended to make it the sole rural fire authority for New South Wales, the Deputy Commissioner stated that this is effectively what is in place under the new arrangements. He went on to explain that under the new arrangements, NPWS and the

⁵²⁷ Answers to questions on notice, Mr Bailey, 8 October 2014, pp 5-6; submission 44, NSW Government, p 33.

⁵²⁸ Submission 44, NSW Government, p 33.

⁵²⁹ Submission 44, NSW Government, p 33.

⁵³⁰ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 40.

⁵³¹ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 40.

⁵³² Evidence, Deputy Commissioner Rogers, 15 September 2014, p 40.

Forestry Corporation continue to bring their specialised, local knowledge to bear, along with their capacity for a quick response. A significant difference is that the RFS District Managers have more responsibility to be informed and to intervene if necessary.⁵³³

- 7.103** Asked what would happen differently now if the same situation in the Wambelong fire were to occur, Mr Rogers stated that the local RFS manager 'is expected to assess what is going on, the potential for that fire to escape the area, what resources are being brought to bear upon that fire and whether they are adequate to suppress the fire.'⁵³⁴ If the resources are not considered to be adequate, then the manager can indicate what resources are to be sent for, or can take charge of the fire.⁵³⁵

Notifying the public

- 7.104** A final issue relating to the initial response to the fire concerned the timeliness and quality of information to the public about the fire's outbreak. Very many inquiry participants, particularly local land owners near to the national park, were highly critical of this aspect of the initial response.
- 7.105** Mr Lill of the Coonabarabran Property Owners Alliance told the committee that no warnings were issued to the public on the Saturday evening in regard to an uncontained fire in the park.⁵³⁶ In its submission, the Alliance claimed that the NPWS failed in its duties because it did not contact or advise neighbours of the fire, in accordance with NPWS Regional Incident Procedures.⁵³⁷
- 7.106** Mrs Lois Wilkinson and Mr Perry Wilkinson reported that at no time did they receive warnings or evacuation instructions from any authority.⁵³⁸ Ms Heather Meldrum, who lost her family home, contended that residents should at least have been issued with a 'watch and act' alert:

I believe that we, as residents could have received a warning such as a watch and act, hours earlier and that the fire would have been slower and smaller, giving us and the fire fighters a better chance of saving more property, more homes, more livestock and much less loss.⁵³⁹

- 7.107** Another submission author wrote of monitoring the RFS website during the Sunday. At around 3.00 pm, when she saw two distinct plumes of smoke appear to join, 'it resembled an atomic bomb detonation'. As she and her husband quickly prepared to leave, at 3.06 pm the RFS website remained unchanged from 10.55 am, when it stated:

⁵³³ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 47; answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, attachment 1, NSW Rural Fire Service, *Incident control at bush fires*, Operational brief, July 2014, p 1.

⁵³⁴ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 47.

⁵³⁵ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 47.

⁵³⁶ Evidence, Mr Lill, 4 September 2014, p 15.

⁵³⁷ Submission 11, Coonabarabran Property Owners Alliance, p 18.

⁵³⁸ Submission 5, Mrs Lois Wilkinson, p 1; submission 6, Mr Perry Wilkinson, p 2

⁵³⁹ Submission 32, Ms Heather Meldrum, p 1.

- Location: Wambelong Camping Area, north of creek, 1km west of the Visitors Centre, north of John Renshaw Parkway, 40km west of Coonabarabran.
- Council Area: Coonamble
- Status: Being Controlled
- Type: Scrub Fire
- Fire: Yes
- Size: 25 ha
- Responsible Agency: National Parks and Wildlife Service
- Updated: 13th January 2013 10.55.⁵⁴⁰

- 7.108** This participant reported that right up until 3.55 pm the status of the fire remained as ‘Contained’; then it went straight to emergency level.⁵⁴¹
- 7.109** Mr Phil Henley of the Warrumbungle Fire Action Group also attested to very poor information on the RFS website, suggesting that ‘it was as good as useless.’⁵⁴²
- 7.110** Ms Fiona Selmes and Mr Llewelyn Selmes, whose burnt out property is adjacent to the national park, told the committee that they could not understand why, when the NPWS had always informed them when baiting or culling was taking place, ‘there was no call to let us know there was a fire burning in the park, with enough fuel in front of it to wipe us off the map.’⁵⁴³
- 7.111** Mr Peter Starr, who lost his home on Timor Road, told the committee, ‘the first I knew was when the automated phone call [came] saying get out and evacuate. I walked outside, I could see the flames, so I fled. Luckily I saw that. I just wish I knew on the Saturday that there was a fire. I could have saved a lot more things.’⁵⁴⁴
- 7.112** Mrs Margaret-Ann Cook, another Timor Road resident, did not receive any mobile messages as she had no mobile phone coverage, and told the committee that she and her husband were lucky to escape with their lives:

The warning system for those of us in the path of the fire was done initially by messages to mobile phones. We did not receive the messages as there is no mobile phone coverage in our section of the road. The warning that was eventually given via the landline, which was the first of our awareness of the fire, was received just minutes before the fire descended on us and we barely had time for me to prepare my husband and me to leave. There was no time to gather items or even our pets. Consequently everything was lost and we narrowly escaped with our lives.⁵⁴⁵

⁵⁴⁰ Submission 52, Name suppressed, pp 1-2.

⁵⁴¹ Submission 52, Name suppressed, pp 1-2.

⁵⁴² Evidence, Mr Phillip Henley, Representative, Warrumbungle Fire Action Group, 4 September 2014, pp 36-37.

⁵⁴³ Submission 25, Mr Llewelyn Selmes, pp 1-2; see also submission 24, Ms Fiona Selmes, pp 1-2 and public forum, Ms Fiona Selmes, 3 September 2014, p 12.

⁵⁴⁴ Public forum, Mr Peter Starr, 3 September 2014, p 17; see also submission 50, Mr Jason Lawrence, p 3 and submission 51, Mr James Cameron, p 1.

⁵⁴⁵ Submission 31, Mrs Margaret-Ann Cook, p 1; see also public forum, Mrs Margaret-Ann Cook, 3 September 2014, p 11.

- 7.113** Mr Steve Loane, General Manager of the Warrumbungle Shire Council, explained that only Telstra customers received notification by text message, not Optus or Vodaphone customers. He further noted that these messages only reached people who could get a service, which most people who were in the fire front and in the area of threat did not have.⁵⁴⁶
- 7.114** Ms Donna Burton asked why were others not informed at the time that Observatory staff were, and highlighted how even a little more warning would have made a major difference:
- For so many people an extra hour or more warning could have meant saving a lot more of their belongings rather than just the clothes on their backs. Better and earlier communications would have made a significant difference to many people. If people had known earlier – those who had stock in outer areas could have been out bringing it closer to home etc. Perhaps, my error was in putting so much faith in the social media (I was also following the RFS on Twitter as well as monitoring the apps and their website) as it did not keep up with the actual timeline of the events.⁵⁴⁷
- 7.115** Other participants reported that some messages caused confusion and panic. Mrs Juleen Young stated that people living east of Coonabarabran were wrongly instructed to evacuate east to Coonabarabran. The message did not say where the fire was and with all the cloud around it was difficult for those living a distance from the national park to distinguish thunderheads from the fire storm.⁵⁴⁸ Similarly, Mr Richard Stringer, a Brigade Captain, told the committee that text messages to evacuate to the east when there was no fire in that vicinity created ‘terror’ among some residents and served to jam up telephone lines as people rushed to establish what was happening.⁵⁴⁹ This issue of misinformation was also highlighted by Councillor Ash Walker, Deputy Mayor of Gilgandra Shire Council.⁵⁵⁰
- 7.116** In relation to radio alerts, Mr D Williams asked why residents were not notified of the fire via ABC radio on the Saturday evening.⁵⁵¹ Mr Steve Loane, General Manager of the Warrumbungle Shire Council, advised the committee that the issue of radio alerts had arisen in RFS debriefs following the fire. He noted that while the ABC has been nominated as the disaster radio station, not everyone listens to it nor has reception for it. He thus called for coordinated coverage across public, commercial and community radio.⁵⁵²
- 7.117** Even Councillor Peter Shinton, Mayor of Warrumbungle Shire Council and Chair of the Castlereagh Bush Fire Committee was not advised until late Sunday morning that there was a fire in the national park.⁵⁵³ Councillor Doug Batten, Mayor of Gilgandra, told the committee that his council was advised on Sunday afternoon, suggesting that with the benefit of hindsight communication from the time the fire started would have been preferable.⁵⁵⁴

⁵⁴⁶ Evidence, Mr Loane, 4 September 2014, p 12.

⁵⁴⁷ Submission 39, Ms Donna Burton, pp 3-4.

⁵⁴⁸ Submission 39, Mrs Juleen Young, p 1.

⁵⁴⁹ Evidence, Mr Richard Stringer, 3 September 2014, p 15.

⁵⁵⁰ Evidence, Cr Ash Walker, Deputy Mayor, Gilgandra Shire Council, 4 September 2014, p 12.

⁵⁵¹ Submission 18, Mr D Williams, pp 3-4.

⁵⁵² Evidence, Mr Loane, 4 September 2014, pp 12-13.

⁵⁵³ Evidence, Cr Shinton, 4 September 2014, p 2.

⁵⁵⁴ Evidence, Cr Douglas Batten, Mayor, Gilgandra Shire Council, 4 September 2014, p 2.

Councillor Walker suggested that with the benefit of hindsight, it would have been better for authorities to be advised once the section 44 was declared.⁵⁵⁵

Issues considered in the coronial inquiry

7.118 A number of matters with regard to notifying the public of the fire were flagged for consideration during the coronial inquiry:

- How were property owners and the general public notified of the fire, and were those notifications or emergency warnings adequate?⁵⁵⁶
- Should emergency alerts and community advice messages have been disseminated on the Saturday evening or Sunday morning indicating the presence of the fire and the potential for the fire to spread, based on the predictions received?⁵⁵⁷
- Were there delays in mapping or entering information into the ICON system on 12 and 13 January 2013 and if so what consequences did that have?⁵⁵⁸

National Parks and Wildlife Service and Rural Fire Service perspectives

7.119 The committee took up this important issue of notification of the public with both NPWS and RFS representatives. Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, advised that responsibility for providing information to the community and neighbours in relation to wildfire lies with the Rural Fire Service. NPWS' responsibility is to ensure that it enters the fire into the ICON system operated by the RFS. Once the information goes into ICON, and NPWS maintains that information through situation reports, that fire immediately appears on the RFS website.⁵⁵⁹ According to the Government submission, while the NPWS did not directly contact park neighbours about the fire situation at that time, details of the fire were uploaded into ICON at 4.05 pm Saturday and were publicly available from the RFS website and the Fires Near Me app from early that evening. While the fire remained under NPWS authority, further and more detailed situation reports were entered by NPWS officers at 8.00 pm 12 January, then at 3.45 am, 10.10 am and 10.55 am 13 January.⁵⁶⁰

7.120 Deputy Commissioner Rogers explained that the RFS' responsibility for communication with the public was built into the *Rural Fires Act*, informed by the Royal Commission into the Victorian Bushfires.⁵⁶¹ At the same time, he noted that the RFS relies on other fire fighting authorities to provide relevant information:

The legal responsibility on the [RFS] to inform the community about the threat of bush fire can only be effected where we are in possession of all the facts and that

⁵⁵⁵ Evidence, Cr Walker, 4 September 2014, pp 2-3.

⁵⁵⁶ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 8.

⁵⁵⁷ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 40.

⁵⁵⁸ *Inquest into the fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], p 51.

⁵⁵⁹ Evidence, Mr Peacock, 15 September 2014, p 34; evidence, Ms Stephens, 15 September 2014, p 34.

⁵⁶⁰ Submission 44, NSW Government, p 21.

⁵⁶¹ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 41.

requires all that information to come to us. National Parks are correct to enter the information to ICON, and they do that and do it well.⁵⁶²

7.121 The RFS advised the committee of the hierarchy of community notifications for which it is responsible:

The NSW RFS uses nationally consistent ‘alert levels’ to indicate the threat posed by a fire. These are:

- Advice - A fire has started. There is no immediate danger. Stay up to date in case the situation changes.
- Watch And Act - There is a heightened level of threat. Conditions are changing and you need to start taking action now to protect you and your family.
- Emergency Warning - An Emergency Warning is the highest level of Bush Fire Alert. You may be in danger and need to take action immediately. Any delay now puts your life at risk.

Alert levels may occur in any order. For example, a fire which starts close to properties and is expected to immediately pose a risk to life or property may be initially referred to as an Emergency Warning, while an Advice fire may escalate to an Emergency Warning as it intensifies or spreads.⁵⁶³

7.122 In addition, the RFS uses a range of channels and means to deliver notifications to the community, including websites, social media, the 1800 NSW RFS Bush Fire Information Line, local media, door knocks and smartphone applications. As an incident escalates, the RFS may use tools such as the Emergency Alert telephone warning system.⁵⁶⁴

7.123 However, the Deputy Commissioner acknowledged that while the RFS puts a significant effort into receiving information from the fire scene and passing this on to the community, being able to inform the public of the likely fire behaviour is very challenging:

Situation awareness, to understand exactly where the fire is, where the fire is going to be in the next half an hour, hour or two hours is one of the most challenging things. We put enormous effort into getting information back from the fire scene ... Having accurate information in order to pass to the community, I think, is one of the holy grails that we aspire to. We do not have it right. We learn our lessons. We try to do it as best we can, but it would be very arrogant of me to sit here and say we have that all nussed out. We do not, but we try to improve each and every fire event. We learn from fire events. We tested that last summer in the Blue Mountains which, unfortunately, caused the loss of more than 200 homes. Again, we did not lose lives and I think the warning side of it helps with that.⁵⁶⁵

7.124 The Section 44 Incident Controller’s Report from the Wambelong fire prepared for the Bush Fire Coordinating Committee and the RFS stated that the Incident Controller believed the RFS warnings to threatened communities to have been appropriate and timely. It

⁵⁶² Evidence, Deputy Commissioner Rogers, 15 September 2014, p 41.

⁵⁶³ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 13.

⁵⁶⁴ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, pp 13-14.

⁵⁶⁵ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 42.

acknowledged, however, that the location based function to disseminate warnings using the emergency alerts did cause confusion.⁵⁶⁶

- 7.125** In relation to mobile coverage, Mr Rogers reported that at the time of the Wambelong fire, the emergency mobile phone alert system (which is a national system over which the RFS has no control) was only available for Telstra customers, but has subsequently been put in place by the other carriers.⁵⁶⁷

Committee comment

- 7.126** It is impossible for the committee to know, had the initial response to the Wambelong fire been different, whether it would have turned into the firestorm the following day that caused such immense damage to individuals, properties, the community, the national park and the environment. Whatever the case, there are a number of actions and issues that emerged during our inquiry that serve as lessons for the initial response to future fires. These are set out below along with the various conclusions that we have made about the actions of the NPWS and RFS on Saturday 12 and Sunday 13 January 2013.

Notification and reconnaissance

- 7.127** In the previous chapter the committee noted that we share the concern among numerous participants that in the circumstances of an extreme fire danger warning, greater surveillance of the park would have been desirable. Accordingly, we recommended that the NPWS examine its policies for staffing during periods of extreme and catastrophic weather conditions, with a view to ensuring that sufficient quotas of staff are available on park on fire watch. No doubt the (off duty) NPWS staff who attended the fire at this point acted as quickly as they could to investigate and fight the fire. Approximately one hour elapsed between the time the fire was first sighted and then attacked. With the benefit of hindsight, had more staff and prepared fire fighting equipment been available nearby, attacks on the fire may have been able to commence sooner. In turn, this may have had a bearing on crews' ability to contain the fire in its early stages.

- 7.128** Beyond that, the committee is satisfied that the very first response to the fire, culminating in the appointment of an Incident Controller and Divisional Commander on the scene, was adequate.

Efforts to fight the fire on Saturday

- 7.129** The committee accepts that the NPWS acted in good faith to address the fire as effectively as possible on Saturday evening, and that it was quickly apparent to those on the scene that because the fire was sizeable and running in difficult terrain up the hill it was unlikely to be extinguished. We accept that the view of NPWS officers and others present including brigade members was that it was not safe for fire fighters to fight the fire on the ground overnight as

⁵⁶⁶ Answers to questions on notice, Deputy Commissioner Rogers, attachment 8, Section 44 Incident Controllers Report, Wambelong Warrumbungle National Park, Bush Fire Coordinating Committee and NSW Rural Fire Service, 8 April 2014, attachment 8 to 31 October 2014, p 4.

⁵⁶⁷ Evidence, Deputy Commissioner Rogers, 15 September 2014, p 42.

they were at risk from falling trees and rolling rocks. Similarly, we accept that at this stage of the fire, there were no indications to RFS representatives that anything was amiss.

- 7.130** The committee appreciates that in the context of the decision not to send in ground crews because of risks to safety, whether greater RART capability and availability would have made a difference is something of a moot point. However, in our view, the standard procedure of a RART helicopter having to return to base by nightfall to be available for another fire seems somewhat counterproductive to the purpose of RARTs, that is, to catch a fire early, extinguish it or at least bring it under control before leaving it in the hands of other crews. As various participants noted, the cooler conditions of night time provide an important opportunity to gain control over a fire, as well as more time to bring resources to bear on it. We recommend that this standard procedure be examined with a view to improving early responses to fires. In addition, in light of Ms Stevens' advice that under normal circumstances both RFS and NPWS RAFT crews can operate at night, along with Deputy Commissioner Roger's advice that there was an extreme shortage of RAFT crews that fire season, we recommend that the NPWS and RFS enhance the capability of both RART and RAFT crews to fight fires, including at night time, via additional training and resourcing.

Recommendation 13

That the NSW Rural Fire Service:

- alter the standard procedures for Remote Aerial Response Teams to enable them to operate at night
 - in conjunction with the NSW National Parks and Wildlife Service, enhance the capability of both Remote Aerial Response Teams and Remote Area Firefighting Teams to fight fires at any time including at night.
-

Strategy for Sunday morning

- 7.131** The committee accepts that the NPWS acted in good faith in revising its strategy for Sunday morning from direct to indirect attack, and we take at face value that NPWS officers believed they had reasonable grounds for this decision. What remains unclear is why the decision was taken not to commence the major back burn until 7.45 am on Sunday 13th, particularly in light of the two small back burns that were completed between Wambelong Creek and John Renshaw Parkway sometime after 10.30 pm on Saturday evening. In addition, it is unknown as to whether or not a different strategy would have made any difference to what occurred when the adverse weather picked up early the following afternoon.
- 7.132** Nevertheless, a number of aspects to this are highly regrettable: that the fire prediction map on which the NPWS based its revised strategy was so flawed; that common knowledge about the weather forecasts for the following day appear not to have been factored into the strategising process; and that the RFS was not involved in the decision to revise the strategy for Sunday morning. While it may have been desirable for the NPWS to have put less faith in the fire prediction map supplied to them, we also consider it reasonable that a better quality prediction should have been furnished by the RFS. We are somewhat heartened that the RFS has provided feedback on the Phoenix system's flaws to its developers and other parties, with a view to improving the prediction system.

7.133 The committee is also heartened that the lessons from the non-involvement of the RFS in the revised strategy for Sunday morning have been recognised and have fed directly into the new procedures for authority over class 1 and 2 fires.

7.134 The committee anticipates that various aspects of the strategy will be illuminated by the coronial inquiry.

Resourcing the strategy

7.135 Whether or not the strategy for Sunday morning was ill considered, the level of resources allocated to implementing it appear very inadequate, especially in light of the predicted weather conditions. For example, a mere two crews were patrolling the containment line of the John Renshaw Parkway, the protection of which was identified by the NPWS as a specific aim of its indirect attack strategy. In retrospect, given the magnitude of what followed, more aircraft, ground crews and heavy loaders all appear to have been desirable. In addition, it appears that it may have been better for the various resources to have been deployed earlier that morning.

7.136 The committee was very troubled by the allegations that group captains and captains were not duly notified of the fire's outbreak by the RFS District Office until well after the section 44 was declared and the fire out of control.

7.137 It is also troubling that captains who offered their assistance were told not to worry about the fire, and the committee was further perplexed to hear claims that there is a history of withholding notifications from brigades in that area. This also raises questions about how seriously the local RFS office was taking the fire. In this instance it appears that a gross miscommunication between the RFS Coonabarabran office and local brigades may have impeded the RFS' first response to the fire, and the committee recommends that the RFS should formally investigate these allegations.

7.138 We further recommend that this aspect of RFS procedure be improved to ensure that local group captains are at the very least duly notified of any outbreak of fire in the area for which they are responsible. Even if their crews are not required at the scene, captains and crew members have a right to know about outbreaks both as fire fighters and property owners. In addition, it is surely helpful for them to be on standby and to assist in alerting other property owners in the area.

Recommendation 14

That the NSW Rural Fire Service:

- commission an independent investigation into the allegations that brigade group captains and captains were not duly, or in a timely way, notified of the outbreak of the Wambelong fire
 - improve procedures for the notification of group captains to ensure that they are notified of any fire outbreak in and/or adjoining their brigade areas.
-

Authority over the fire

- 7.139** The allegations about non-notification of group captains are also troubling to the committee in that they suggest that the RFS District Office, like the NPWS, underestimated the risks associated with this fire, especially those arising from the forecast weather conditions. While the NPWS may have acted with the best of intentions, it seems very clear that it was out of its depth in fighting this fire and significantly underestimated what would occur on Sunday. So too, it appears, did the RFS.
- 7.140** While the firestorm that erupted on the Sunday afternoon was truly extraordinary, it is difficult for community members and the committee to accept that it could not have been at all foreseen, especially in light of the extreme weather conditions and the very high fuel load in the national park.
- 7.141** We acknowledge that there were other fires in both the vicinity and across the state at that time, however we consider alarm bells should have been ringing in the RFS by Saturday evening or indeed early Sunday morning, when the indirect attack strategy was uploaded to ICON, then prior to and when the back burn commenced. If the NPWS had not duly considered the impact of hot north to north westerly winds (and it is dismaying that it apparently did not), then surely RFS officers should have done, and should have stepped in much earlier than 11.00 am Sunday with a different strategy and a more appropriate level of resourcing. The Deputy Commissioner indicated to the committee that the section 44 was called after concerns were expressed regarding the back burn. As the RFS has subsequently indicated, with the benefit of hindsight, it would have been better for the section 44 to have been declared much earlier.
- 7.142** The committee is troubled by the suggestion that RFS officers can be reluctant to call for section 44s, and that the section 44 system itself, particularly the resources that are released when a declaration is made, actually works against early concerted efforts to fight a fire and put it out. We also acknowledge the view put before us that senior RFS officers need greater support and authority to make the decision to seek a section 44. It is fundamentally important that such intervention occur in a timely way.
- 7.143** For all these reasons we are pleased that the RFS and NPWS have agreed on and adopted new operational arrangements clarifying command and control provisions and notification requirements for firefighting authorities in class 1 and 2 fires. These arrangements mean that, the RFS and Fire and Rescue NSW have ultimate responsibility for all bush fires, regardless of tenure, and are responsible for the appointment of incident controllers and for public communications. The committee welcomes these arrangements, not only because they affirm and harness the core capability of the RFS for bush fire response, but also because they place a significant onus on RFS district managers to actively engage with and be satisfied by other authorities' strategies to respond to a fire, and to intervene if necessary. The committee also notes that the new arrangements will enhance notification and communication procedures, which as we note below, were very poor during the early stages of the Wambelong fire.
- 7.144** The committee is not aware of why these arrangements are interim only, nor for what period they are intended to operate. We consider that they should be enshrined in legislation.

Recommendation 15

That the NSW Government, as a matter of urgency, amend the *Rural Fires Act 1997* to codify the current interim arrangements for command and notification requirements for class 1 and class 2 fires, which clarify that the NSW Rural Fire Service or Fire and Rescue NSW:

- have ultimate responsibility for all bush fires regardless of tenure
 - are responsible for the appointment of incident controllers
 - are responsible for keeping the public informed.
-

7.145 It is self evident that it is so much better to put a fire out or contain it than for it to turn into a fire storm. Enabling additional resources to be released early will save a great deal of resources and potential damage. The committee heard some mention of the use of pre-emptive section 44s which can be made in circumstances of extreme fire danger. As noted in chapter 2, these ensure that fire control centres have the systems in place and resources ready to deploy in preparation to combat a major bush fire. We see real value in this approach, while noting that although a pre-emptive section 44 was in place in the area where this fire occurred, it was not utilised. In the committee's view, the NSW Government should consider enabling the default position during catastrophic and extreme fire danger periods to be the same as for section 44 fires, in anticipation of a fire breaking out, in order to ensure more timely and effective responses to bush fire outbreaks.

Recommendation 16

That the NSW Government consider enabling the default position during catastrophic and extreme fire danger periods to be the same as for section 44 fires, so that fire control centres have the same systems and resources ready to deploy should a fire break out.

The back burn

7.146 It is not within the committee's capacity to judge whether the back burn contributed significantly to the devastation that followed, as some inquiry participants have suggested. As noted above, we take at face value that NPWS officers acted in good faith in determining this course of action and carrying it out, although we query the adequacy of the resources devoted to the back burn and also its timing. Noting the numerous questions flagged for the Deputy Coroner's consideration, we await with interest his conclusions on this aspect of the fire.

Advising the public

7.147 In relation to the issue of when and how local property owners were notified of the fire, while we note that under the *Rural Fires Act* it was the responsibility of the RFS, not the NPWS, to notify community members, we fully appreciate the sense of dismay and betrayal that community members expressed toward the NPWS, whom they understandably saw as having a moral obligation, as a neighbour, to notify them of the outbreak.

7.148 Nevertheless, we underscore the RFS' responsibilities here. The committee finds it somewhat astonishing that the Incident Controller's post fire report considered the warnings to threatened communities to have been appropriate and timely, apart from the use of the

location based function. The committee considers that at the very least the 'advice' alert level of community notifications should have been activated on the Saturday evening, with community members notified at that time. Thankfully Optus and Vodafone carriers can now receive mobile phone alerts but presumably the issue of coverage in remote areas all around the state remains an impediment to communication with the public, and therefore to safety.

- 7.149** While we see strong value in the website and social media as a source of public information about individual fires, it seems clear that during the Wambelong fire there was an overreliance on these more passive forms of communication with community members, who can rightly expect to be notified of risk in a timely way. Moreover, we heard that the information on the RFS website was not up to date. These issues go to the very heart of public safety, as well as the inherent right of community members to be informed about the risks that affect them, and indeed the responsibility upon government to provide that information in a way that minimises those risks. The committee considers that these issues are sufficiently serious as to warrant a formal review of both the RFS and NPWS systems for community notification of bush fires, in order to identify and address all impediments to timely and appropriate advice to community members.

Recommendation 17

That the NSW Rural Fire Service review its procedures, systems and infrastructure for notifying community members of bush fires, both when a fire has broken out and as it proceeds, to ensure the provision of timely and adequate information.

Chapter 8 Management of the fire

In this chapter the committee examines various aspects of the management of the response to the Wambelong fire after the section 44 declaration was made and the NSW Rural Fire Service took control.

First, the committee considers participants' views that local volunteers should have been afforded more respect and autonomy during the fire response. It then explores two examples of decision making on the part of those in charge of the fire response that a number of fire fighters highlighted as problematic. The chapter concludes by considering a number of other matters raised with the committee, including changes in the size and ethos of the NSW Rural Fire Service.

Respecting local volunteers

8.1 Many captains, group captains and deputy group captains who served during the Wambelong fire raised with the committee their strong dissatisfaction with the level of involvement of local volunteers in decision making as the fire proceeded. There was a very strong belief that captains and brigades should have been afforded more respect and autonomy by salaried officers who led the chain of command. Similarly, there was some concern that out-of-area crews brought in to fight the fire did not act with sufficient respect for locals.

8.2 For example, Mr Geoff Pike, Captain of the Tooraweenah Brigade, told the committee that the Coonabarabran fire control centre's (FCC's) limited communication with captains at the western and southern flanks of the fire was a 'major concern'. He reported that captains' local knowledge and many years of experience was not sought, and when offered, was largely ignored, resulting in greater losses of property and livestock. In addition, he attested to requests for assistance being refused by out-of-area crews. He further claimed that when local crews made control plans there were instances when they were threatened with legal consequences by non local divisional commanders if the plans involved unauthorised back burns. He argued that sometimes the window of opportunity for effective action is very small, and that local captains and group captains must be afforded greater authority in the areas for which they are responsible:

In summary, local captains and group leaders are frontline fire fighters; they know their country and conditions and they should have authority to control operations within their brigade areas, including using aerial assets when conditions are extreme. The RFS structures should be there to support, not to dictate what can be done and when.⁵⁶⁸

8.3 Similarly, Mr Phil Henley of the Warrumbungle Brigade attested to counterproductive orders from the fire control centre (FCC), which he suggested were obviously not developed in consultation with the brigade captain and deputy group captain on the fire ground. Had they been, he argued, the fire could have been controlled much more easily. Mr Henley gave an example of how a number of houses and considerable livestock and infrastructure were saved because local crews ignored FCC commands. In this instance, the locals fought the fire without any help from a strike force of around ten non local trucks at the scene, who were under the control of an out of area commander, and who refused to assist. Mr Henley spoke

⁵⁶⁸ Public forum, Mr Geoff Pike, 3 September 2014, p 2.

of the trend towards ‘dictatorial’ attitudes among salaried officers without due respect and support for locals:

As more of these large fires occur it is becoming blatantly obvious that the appointed salaried staff in fire control centres miles removed from the fire ground, and with no local knowledge are ignoring the advice of local Captains and are becoming most dictatorial. Rather, the salaried staff need to heed the advice of the local Captains and concentrate on supplying logistical support.⁵⁶⁹

- 8.4** Mr Tony Webb, Captain of the Warrumbungle Brigade, reported that on at least two occasions he was involved in, very quick decisions to conduct back burns were necessary but procedures dictated that permission be requested from the FCC. Because the conditions were such that fire fighters could not wait for authorisation, the burns were carried out regardless.⁵⁷⁰
- 8.5** Mr Michael Bowman, Captain of the Uargon Brigade and Deputy Group Captain of the Warrumbungle Mountain Group, argued that decisions made without the local knowledge and perspective of those actually at the fire front are potentially dangerous, and suggested that this is widespread and was simply highlighted by the Wambelong fire. Mr Bowman claimed that during this fire, group captains and their deputies were not given the opportunity to fulfil their leadership roles at the fire ground, for which they are elected. He asserted that, ‘Control of fires must be from the fire ground by local captains and their deputies, not from an office which is out of touch with what is happening on the fire ground.’⁵⁷¹
- 8.6** Mr Warren Kimber, Group Captain in the Bombala area, proposed that fighting a fire with no local input runs a greater risk that control over the fire will be lost. He also noted that it is much more dangerous for out-of-area crews who are unfamiliar with the terrain to fight a fire. He argued that every incident management team (IMT) must have at least two group captains or captains as they know the area and understand how and where the fire will behave, and that volunteers must be in charge of the fire ground ‘as bureaucrats cannot put out fires’.⁵⁷²
- 8.7** Mr Peter Hellyer, member of the Gowang Brigade, suggested that while the issue of out-of-area crews being brought in as a result of the section 44 declaration brings in ‘great muscle’, their lack of knowledge of the local area can hinder effective fire fighting. He advocated the use of local knowledge at every level of decision making, from fire control down to fire fighter, and spoke of his very positive recent experience fighting a fire in Muswellbrook as an out of area crew member:

We were given a team member from a local brigade and he was with us the whole day. He basically took us under his wing. He did not order us what to do. We still had our own responsibilities, but he told us where we were. He gave us that situational awareness. What they did then was they used local crews at night and left the other out-of-area crews to do the day work, and it worked brilliantly. But around here, we do not seem to be able to do that.⁵⁷³

⁵⁶⁹ Submission 47, Mr Phil Henley, p 2.

⁵⁷⁰ Public forum, Mr Tony Webb, 3 September 2014, p 5; submission 48, Mr Tony Webb, p 1.

⁵⁷¹ Submission 36, Mr Michael Bowman, pp 4-5.

⁵⁷² Submission 37, Mr Warren Kimber, p 1.

⁵⁷³ Evidence, Mr Peter Hellyer, Representative, Warrumbungle Fire Action Group, 4 September 2014, p 36; submission 15, Mr Peter Hellyer, p 4.

- 8.8** Ms Carolyn Lyons, representing the Warrumbungle Fire Action Group, spoke of the lack of respect and patronising manner shown by some paid RFS and NPWS officers towards local land owners and volunteers. She alleged that not only did salaried staff question locals' knowledge and ability, but also threatened, intimidated and bullied them.⁵⁷⁴ The Action Group also attested to poor directions from the fire control centre to out of area strike forces, as well as poor cooperation on the part of non locals. The Action Group recommended that out-of-area crews be married with local crews to increase their effectiveness, with a local crew member in every command vehicle to advise them.⁵⁷⁵ In addition, the Action Group suggested that only having four brigade groups in that area restricts the number of suitably trained people available for positions at the FCC, and recommended that more captains receive group leader training.⁵⁷⁶
- 8.9** Some captains, however, had a different perspective. Mr Andrew Young, Captain of the Napier Lane brigade, challenged these views, asserting that changes in the way the RFS is run have seen the service move forward 'in leaps and bounds', and that it is a misconception that locals do not have a say in what goes on in a fire. He argued that seeking permission to proceed with a back burn is an important safeguard because the IMT has an understanding of the whole fire scene, including where other crews and relevant weather conditions.⁵⁷⁷ In a similar vein, Mr Ron Nash, Captain of the Goorianwa Brigade, attested to his own local knowledge and experience being well valued and utilised. He told the committee that after proceeding through the chain of command he attended the FCC and put his thoughts to the IMT, and was asked to be Divisional Commander for his area. He suggested that had other captains and deputy group captains done similarly, they would have met with the same respect and appreciation from the incident management team and been better placed to make decisions in their sectors.⁵⁷⁸
- 8.10** Nevertheless, it was not only fire fighters who voiced strong concerns here: stakeholders in leadership roles observed it as well. Mr Paul Mann, General Manager of the Gilgandra Shire Council, attested to widespread concern among local volunteer fire fighters about inadequate organisation of out-of-area crews as well as poor communication with locals, poor planning and use of locals' knowledge, and a failure to use senior local brigade members to manage the fire fronts.⁵⁷⁹ Mr Mann called for RFS officers to engage more effectively with volunteers by meeting with them on their territory on a regular basis, suggesting that this will facilitate better use of local knowledge, help ensure locals' involvement in emergencies, and build locals' appreciation for the management of such emergencies.⁵⁸⁰
- 8.11** Councillor Douglas Batten, Mayor of Gilgandra, told the committee that the issue comes down to the RFS respecting its volunteers. He noted that the rural brigades are largely manned by land holders and farmers who necessarily require that service and who are very often managers of multi-million dollar enterprises with years of experience fire fighting in their area.

⁵⁷⁴ Ms Carolyn Lyons, Evidence, p 7.

⁵⁷⁵ Submission 14, Warrumbungle Fire Action Group, pp 4-5; submission 14a, Warrumbungle Fire Action Group, p 4.

⁵⁷⁶ Submission 14, Warrumbungle Fire Action Group, p10.

⁵⁷⁷ Submission 55, Mr Andrew Young, p 1.

⁵⁷⁸ Submission 53, Mr Ron Nash, pp 1-2.

⁵⁷⁹ Submission 28, Gilgandra Shire Council, pp 2-3.

⁵⁸⁰ Submission 28, Gilgandra Shire Council, p 3.

He suggested that their experience ‘is not being respected and decisions are made away from the fire front without the input of those years of experience.’⁵⁸¹ Councillor Batten argued that in his opinion, this is having serious consequences: first, it is undermining the effectiveness of the fire fighting process, and second, it is affecting the RFS’ ability to recruit people into volunteer roles. He pointed to a disconnect between RFS management and the service itself running through many submissions to our inquiry.⁵⁸²

- 8.12** Mr Steve Loane, General Manager of the Warrumbungle Shire Council, also emphasised the need for greater recognition of locals’ skills and experience, and that not achieving this risks eroding the volunteer fire fighter base.⁵⁸³ Councillor Peter Shinton, Mayor of the Warrumbungle Shire Council, suggested that the problem of out-of-area crews not respecting local knowledge has improved, but like others proposed that the issues would be significantly addressed by including one local at every level of command.⁵⁸⁴
- 8.13** The Volunteer Fire Fighters Association argued that a lack of due respect for local volunteers is a widespread problem, although not necessarily characteristic of all RFS zones. Mr Brian Williams, Vice President, identified that problems arise when the fire is run using a top down approach, ‘when you have an incident team that wants to dictate how the fire is going to be run at the fire front.’⁵⁸⁵ Instead, he proposed that a well managed fire involves a flow of information from the commanders in the field back to the IMT, which sees its role as supplying the resources the commander in the field needs.⁵⁸⁶ Mr Williams called for command and control to go back to the local level in the interests of better fire responses, and linked the issue to the bureaucratisation of the Rural Fire Service and the very significant resources now involved in fighting bush fires, as discussed later in this chapter.⁵⁸⁷

Rural Fire Service perspective

- 8.14** The committee sought the RFS’ perspective on these issues. As noted in chapter 7’s discussion of the delayed notification of captains and group captains as to the fire’s outbreak, (see paragraphs 7.56-7.63), Deputy Commissioner Rob Rogers acknowledged that there ought to have been better communication with brigade members across the area at the start of the fire. He advised that after the fire, officers agreed that they should have done better in this respect, but were overwhelmed by the task of responding to the fire.⁵⁸⁸
- 8.15** In relation to the issue of respect for volunteers within the chain of command and their authority in relation to the fire response, the RFS indicated that there were senior local

⁵⁸¹ Evidence, Cr Douglas Batten, Mayor, Gilgandra Shire Council, 4 September 2014, p 5.

⁵⁸² Evidence, Cr Batten, 4 September 2014, p 5.

⁵⁸³ Evidence, Mr Steve Loane, General Manager, Warrumbungle Shire Council, 4 September 2014, p 5.

⁵⁸⁴ Evidence, Cr Peter Shinton, Mayor, Warrumbungle Shire Council, and Chair, Castlereagh Bushfire Management Committee, 4 September 2014, pp 5-6.

⁵⁸⁵ Evidence, Mr Brian Williams, Vice President, Volunteer Fire Fighters Association, 15 September 2014, p 14.

⁵⁸⁶ Evidence, Mr Williams, 15 September 2014, p 14.

⁵⁸⁷ Evidence, Mr Williams, 15 September 2014, p 12.

⁵⁸⁸ Evidence, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 15 September 2014, p 42.

volunteers in the Wambelong fire's incident management team, in accordance with policy requirements. It reported that one local group officer was present within the IMT on all days throughout the fire, and that up to 12 senior volunteers were involved in the IMT (at the FCC and field command positions) at the height of the fire. In addition, up to four local group captains were on the IMT at any one time. Approximately 15 to 20 volunteers per day, including those in communications roles, were involved either at the FCC or in field command positions as part of the IMT.⁵⁸⁹

8.16 In relation to volunteers' input into decision making, the RFS stated:

Local Group Officers along with a number of Deputy Group Officers in field command positions interacted regularly and reported back to the IMT at the FCC at the end of each shift. In addition to radio and other communications, field information, provided by local volunteers, was therefore constantly relayed back via this avenue and informed operational decision making.

The s44 Incident Controller's Report into the Wambelong Fire noted that local knowledge both from fire fighters and IMT members was invaluable during the fire fighting operation. While there may have been instances where individual NSW RFS members on the ground did not feel listened to, local input was certainly received and used at the Incident Control level.⁵⁹⁰

8.17 At the same time, the RFS advised that it has recognised that 'at local level in some areas there is a shortage of senior volunteers that are willing to take on roles in IMTs and this capacity needs to be strengthened.'⁵⁹¹ It also suggested that local senior volunteer involvement in an IMT is dependent on volunteers being willing and able to take part and assume responsibility, and that while some volunteers either self presented to the FCC or responded positively to requests to take on IMT roles, there were also instances of some volunteers being reluctant to do so.⁵⁹²

8.18 There was some discussion of these issues at the after action review conducted on 20 February 2013, with the minutes to this meeting indicating that the Incident Controller, Superintendent Allyn Purkis, stated that local knowledge may need to have been brought in earlier. The RFS District Officer stated that the early response was very reactive and this was difficult to achieve in the timeframes with the available resources. At the same meeting, Commissioner Shane Fitzsimmons acknowledged that there is a need for more systematic inclusion of group officers in the IMT.⁵⁹³ This latter point was listed as a recommendation from the review, as was 'Local knowledge assistance insertion into our of area resources/teams.'⁵⁹⁴

⁵⁸⁹ Answers to supplementary questions, Mr Rob Rogers, Deputy Commissioner, NSW Rural Fire Service, 31 October 2014, p 4.

⁵⁹⁰ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 4.

⁵⁹¹ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 2.

⁵⁹² Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 2.

⁵⁹³ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, attachment 7, Castlereagh Bush Fire Management Committee, Minutes, After Action Review – Coonabarabran/Gilgandra/Coonable S44, January 2013, 20 February 2013, p 3, p 4.

⁵⁹⁴ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, attachment 7, Castlereagh Bush Fire Management Committee, Minutes, After Action Review – Coonabarabran/Gilgandra/Coonable S44, January 2013, 20 February 2013, p 9.

8.19 The RFS also advised that following the fire's after action reviews, 'a number of recommendations, actions and initiatives have been noted, particularly with regard to the improvement of operational communications and increase volunteer involvement in IMTs.'⁵⁹⁵ This includes:

- review of the Castlereagh Bush Fire Management Committee Operations Coordination Plan (Plan of Operations)
- reinforcement of the requirement for senior RFS members to undertake IMT roles
- promotion of command control and communication training opportunities available to RFS members⁵⁹⁶
- improved incident management training and exercises.⁵⁹⁷

8.20 Asked why at times fire ground captains' advice and requests were ignored while captains in other fires were given the resources they required, the RFS responded:

In any significant fire event, there are competing priorities and the IMT must necessarily prioritise and provide resources where these are most needed. The Wambelong fire was a dynamic and fast moving fire with priorities and threats constantly changing and some requests may be seen to be ignored. However, significant resources were provided to the fire fighting operations for this fire.⁵⁹⁸

8.21 Questioned about the reports that out of area fire crews ignored local volunteers' advice and declined to work with them, the RFS informed the committee that during the Wambelong fire all out-of-area crews were briefed by the IMT prior to being deployed. It offered two explanations: first, the after action reviews identified that in some instances individuals on the fire ground were without any personal protective equipment or rank insignia and therefore their position in command and control structures was not distinguishable; and second, local fire fighters who responded directly to the fire ground may not have had the benefit of a strategic view of the overall fire. The RFS stated that it is extremely dangerous to have one part of the fire being run in a manner inconsistent with the overall strategy for the management of that fire, and that, 'Since the Wambelong fire, the importance of working within the command and control protocols has been reiterated at training sessions held in the Castlereagh Zone to both existing and new members.'⁵⁹⁹

Poor decisions

8.22 Inquiry participants highlighted two particular instances involving what they considered to be poor decision making within the chain of command during the Wambelong fire. The first concerned a plan during the early days of the fire to leave the western side of the national park to burn; the second, several days later, concerned the incendiary drop and back burn at the communications tower on Mt Cenn Cruaich. In both cases stakeholders argued that the

⁵⁹⁵ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 3

⁵⁹⁶ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 3.

⁵⁹⁷ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 4.

⁵⁹⁸ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 2.

⁵⁹⁹ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, p 1.

decisions would have been more sound had they paid due regard to the opinions of local volunteer fire fighters.

Leaving the western side of the fire to burn

- 8.23** Two volunteer fire fighters, Mr Henley and Mr Webb, were very critical of the FCC's intention on the evening of Sunday 13 January, once the fire had got out of control and was advancing quickly eastwards towards Coonabarabran, to leave properties on the western side of the national park without any fire fighting defence. They alleged that the fire control centre had marked on a map the area from the national park to Gumin and south to Dooroombah as expected to burn.⁶⁰⁰
- 8.24** Mr Henley told the committee that while he fully understood that the catastrophic conditions on the eastern side meant that Coonabarabran was under threat and resources stretched beyond limits, he could not understand the fire control centre's intention to let the area to the west burn, noting that it was approximately 10,000 hectares in size and contained livestock, fences, sheds and numerous occupied properties. He claimed that while the fire control centre said that it had no way of providing local brigades with any support to protect the area, at least three trucks from Coonamble with full crews were ready to attend but were told they were not required.⁶⁰¹
- 8.25** According to Mr Webb, locals crews defied these plans and acted to save the properties:

Fortunately for all the property owners in this area, common sense prevailed, with local decision making between the Fire Captains, Deputy Fire Captains and Group Captain and with the very capable assistance of local fire fighting crews who were prepared to actually attack the fire, the fire was extinguished with no loss of homes and livestock and just 2200ha of private property burnt. These decisions and actions were made on the ground by volunteers who have detailed knowledge of the properties and terrain with no assistance from RFS Control Centre who were prepared to let us burn.⁶⁰²

Protection of Mt Cenn Cruaich

- 8.26** A second incident highlighted by numerous participants as an example of poor decision making in the chain of command concerned the operation on Wednesday 16 to Friday 18 January in the area of the Mt Cenn Cruaich communications complex. As noted in chapter 6, the area is the site of critical asset communication towers, and prior to the fire was heavily wooded owing to a lack of hazard reduction.
- 8.27** According to Mr Hellyer, the plan to protect the site via a back burn operation and incendiary drop was developed by National Parks and Wildlife Service (NPWS) staff at the fire control centre and formally approved and implemented by the RFS. The incendiary drop was to occur around the tower site, and would be allowed to burn up to the tower that was to be protected

⁶⁰⁰ Public forum, Mr Philip Henley, 3 September 2014, p 9; submission 48, Mr Tony Webb, pp 1-2.

⁶⁰¹ Public forum, Mr Henley, 3 September 2014, p 9.

⁶⁰² Submission 48, Mr Tony Webb, pp 1-2; see also public forum, Mr Phil Henley, 3 September 2013, p 9.

by NSW Fire and Rescue units. Another back burn was to be lit off containment lines at the base of the mountain by an out of area task force of five trucks and three NPWS units, commencing on private property in the Gowang Brigade area.⁶⁰³ The committee heard that:

- At no time did the RFS advise local land holders of its intention.
- The RFS sought no advice from the local Deputy Group Captain or Brigade Captain.
- The Divisional Commander had not seen the area in daylight, nor inspected the fire before the burn commenced.
- The incendiary drop commenced ahead of schedule while the back burn commenced late.
- Crews on the fire ground were not warned of the incendiaries being dropped.
- The incendiary fire crossed containment lines and went on to burn out two properties and 6000 hectares of private land.
- Five fire trucks and their crews became trapped on the sole fire break when a tree fell and there was nowhere to turn around.⁶⁰⁴

8.28 Mr Hellyer asserted that the extensive damage that ensued was caused by the ‘poorly resourced and managed back burn not the Wambelong fire.’⁶⁰⁵ Mr Bowman contended that that bad planning put numerous fire fighters’ lives at risk, and the fire was fortunate not to have crossed into the Mendooran area which would have resulted in very significant stock, feed and fencing losses.⁶⁰⁶ According to Mr Bowman, there had been three days when a fire break could have been put through to the south of the operation, from which a back burn could have occurred. He stated, ‘If they had thought to involve [the Deputy Group Captain and Captain] in it we would have put the control lines in and the back burning could have been successfully carried out without that fire escaping to the south.’⁶⁰⁷

8.29 Mr Rod Young argued that the operation was a ‘blatant example’ of brigade captains and group officers being ignored or not utilised, leading to unnecessary destruction of infrastructure and livestock. He asserted that:

By rights the local volunteer Captains should have had the job of organising and directing the defence of this essential infrastructure. Instead salaried officers with no knowledge of the local area and far removed from it directed what led to the destruction of fencing and pasture over a wide area of private land.⁶⁰⁸

8.30 The committee notes that questions as to whether adequate local knowledge was utilised in the protection of the communication tower, and had it been, whether the strategy employed

⁶⁰³ Submission 15, Mr Peter Hellyer, p 5.

⁶⁰⁴ Submission 15, Mr Peter Hellyer, p 5; submission 36, Mr Michael Bowman, pp 3-4; submission 14a, Warrumbungle Fire Action Group, p 8.

⁶⁰⁵ Submission 15, Mr Peter Hellyer, p 5.

⁶⁰⁶ Submission 36, Mr Michael Bowman, p 4.

⁶⁰⁷ Evidence, Mr Michael Bowman, Representative, Warrumbungle Fire Action Group, 4 September 2014, p 7.

⁶⁰⁸ Submission 38, Mr Rod Young, pp 2-3

might have been significantly better, were flagged for consideration during the coronial inquiry.⁶⁰⁹

Property protection

- 8.31** A further issue raised by stakeholders in relation to the management of the Wambelong fire concerned the protection of private landholdings.
- 8.32** A widespread concern among participants was that the RFS needs to understand that ‘property protection’ should not necessarily focus on the protection of the homestead as opposed to other assets. The Warrumbungle Fire Action Group, for example, argued that land owners’ priority is to protect livestock, fences and infrastructure, on which their business depends. According to the Action Group, on several occasions visiting crews set up near land owners’ homes ‘and would not listen to pleas to save the stock or infrastructure on the property.’⁶¹⁰
- 8.33** Mr Tony Webb also suggested that non rural brigades seem to have a singular definition of ‘property’ as houses only, and underscored the value of livestock, sheds, machinery, fences and pastures as assets. He further emphasised that protecting them is quite achievable, citing his own positive experience of local crews acting on his instructions and focusing their defence where he wished. He suggested that, ‘Without their efforts the fire would most certainly have caused much more devastation on our and neighbouring properties with long lasting detriment to all our livelihoods.’⁶¹¹ Accordingly, he called for a change in the approach to fire fighting training and instruction in what property protection means in rural farming areas.⁶¹²
- 8.34** Mr Pike and Mr Henley saw the issue as more to do with instructions down the chain of command, with the former attesting to out-of-area crews apparently being directed to protect homesteads and nothing else, with large numbers of appliances left inactive for long periods ‘while people’s livelihoods burned’.⁶¹³ Similarly, Mr Henley spoke of strike teams assigned to property protection being keen to fight the fire, but being stopped from doing so.⁶¹⁴
- 8.35** Mr Rod Young took a slightly different view, being very concerned that out-of-area crews prioritised property protection over containment of the fire. He attested to several instances during the Wambelong fire when out-of-area crews ‘sat up all day next to a rural residence instead of getting out to the fire front with the local brigades and pulling the fire up.’⁶¹⁵ He saw this as a matter of training, suggesting that the practice originated from standard RFS procedures in suburban areas of the Blue Mountains, Sydney and coastal centres. Noting that the local brigade captains will always know where the farm houses are and keep one eye on

⁶⁰⁹ *Inquest into the Fire at Wambelong campground, Coonabarabran*, transcript [25 August 2014], NSW State Coroners Court, p 24.

⁶¹⁰ Submission 14, Warrumbungle Fire Action Group, p 2.

⁶¹¹ Public forum, Mr Webb, 3 September 2014, p 5.

⁶¹² Public forum, Mr Webb, 3 September 2014, p 5; submission 48, Mr Tony Webb, p 2.

⁶¹³ Public forum, Mr Pike, 3 September 2014, p 2.

⁶¹⁴ Public forum, Mr Henley, 3 September 2014, p 9.

⁶¹⁵ Submission 38, Mr Rod Young, p 2

rural infrastructure, Mr Young recommended that RFS training in relation to fires west of the Great Dividing Range place a new emphasis on pulling up and containing the fire, not waiting for it to threaten a dwelling.⁶¹⁶

Rural Fire Service perspective

8.36 The minutes of the 20 February 2013 after action review indicate that the Commissioner suggested that comments regarding the protection of pastoral assets were valid but need to be examined in terms of the intensity of the situation and the primary goals of protecting life and homes.⁶¹⁷

Communication technologies

8.37 In chapter 7 the committee discussed how mobile phone reception affected notifications to land holders about the Wambelong fire. We also heard of a range of issues about communication technologies as they relate to firefighting efforts. The evidence from participants, in summary, was that:

- Poor reception affected fire fighters' use of mobile phones.⁶¹⁸
- Ultra high frequency (UHF) radio, used for communication between fire trucks, does not have a very good range and does not work in mountainous areas. This affected operations during the fire.⁶¹⁹
- The safety of council staff operating graders in the field was put at risk by poor UHF service and poor mobile phone reception.⁶²⁰
- The professional mobile radio (PMR) system, used for communication between fire trucks and the fire control centre, was completely overwhelmed during the fire, with fire fighters told to 'get off the air' and cease reporting to fire control as it had no capacity to handle the problem.⁶²¹
- All group captains, deputy group captains and brigade captains need to be provided with handheld portable PMRs to enable better communication away from tankers as there are insufficient crew to allow one person to stay in the truck to monitor the radio.⁶²²
- The NPWS and RFS utilise different radio networks for communications.⁶²³

⁶¹⁶ Submission 38, Mr Rod Young, p 2; see also submission 36, Mr Michael Bowman, p 4.

⁶¹⁷ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, attachment 7, Castlereagh Bush Fire Management Committee, Minutes, After Action Review – Coonabarabran/Gilgandra/Coonable S44, January 2013, 20 February 2013, p 9.

⁶¹⁸ Evidence, Mr Hellyer, 4 September 2014, p 37.

⁶¹⁹ Public forum, Mr Richard Stringer, 3 September 2014, p 15; public forum, Mr Hellyer, 4 September 2014, p 37.

⁶²⁰ Evidence, Mr Loane, 4 September 2014, p 11.

⁶²¹ Evidence, Mr Stringer, 3 September 2014, p 15.

⁶²² Submission 14, Warrumbungle Fire Action Group, p 4; public forum, Mr Keith Lambell, 3 September 2013, p 6.

⁶²³ Public forum, Mr Lambell, 3 September 2013, p 6.

- Had the fire reached the Broadcast Australia communications tower, this would have wiped out all fire, police, ambulance and mobile phone communications within the area.⁶²⁴

Rural Fire Service and National Parks and Wildlife Service perspectives

- 8.38** The RFS Incident Controllers Report for the Wambelong Fire did not identify any issues or make any recommendations in relation to communication technologies.⁶²⁵ Recommendations noted during the 20 February 2013 after action review included that the RFS ‘investigate all agencies divisional commanders operate from RFS vehicles to ensure effective communication/command and safety’, and that all vehicles be installed with the appropriate communications radios suited to their roles.⁶²⁶
- 8.39** Asked whether NPWS appliances have the same three communications systems as the RFS, the NPWS advised that there is a series of radio systems used by different agencies but NPWS vehicles carry RFS radios in their vehicles and the RFS is provided with NPWS radios. In addition, both NPWS and RFS vehicles carry CB radios in all vehicles for localised interactions on the fire ground.⁶²⁷
- 8.40** The NPWS also indicated that it is undertaking a major project to improve and upgrade its radio network to enable better communications within that agency as well as with the RFS. The Radio Replacement Project commenced in 2009 and is due for completion in June 2015. The project is:
- replacing ageing equipment including radios and antennae
 - repairing and replacing ageing infrastructure such as towers, power systems and huts
 - facilitating better interoperability with the RFS by moving to the 160 MHz band
 - providing a network management system (eg fault fixing) to improve reliability
 - providing a design which will allow for flexibility in use of new technologies.⁶²⁸
- 8.41** The NPWS further advised that the project is occurring over three stages and gave a progress report on each stage as of October 2014:

⁶²⁴ Evidence, Mr Hellyer, 4 September 2014, p 37.

⁶²⁵ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, attachment 8, Section 44 Incident Controller’s Report, NSW Rural Fire Service and Bushfire Coordinating Committee.

⁶²⁶ Answers to supplementary questions, Deputy Commissioner Rogers, 31 October 2014, attachment 7, Castlereagh Bush Fire Management Committee, Minutes, After Action Review – Coonabarabran/Gilgandra/Coonable S44, January 2013, 20 February 2013, p 9.

⁶²⁷ Evidence, Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, National Parks and Wildlife Service, 15 September 2014, p 37.

⁶²⁸ Answers to questions on notice, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 8 October 2014, p 11.

- The upgrading of network infrastructure and provision of a 160 MHz overlay across the radio network is 90 per cent complete, with all NPWS regions now able to use the new 160 MHz system.
- The rollout of new radio equipment to NPWS staff and installation of new equipment in vehicles, offices, workshops and fire control centres is 99 per cent complete, with 1200 portable radios and 1200 mobiles issued to staff, and all offices, workshops and fire control centres fitted out. Over 1000 NPWS staff have also been trained to use the new equipment.
- The replacement of radio linking equipment from the old 400 MHz to the new 450 MHz band, installation of network management equipment and telephone interconnect equipment, and formal commissioning of the new system, are about five per cent complete and due for completion by July 2015.⁶²⁹

Other matters

8.42 Inquiry participants identified several other issues of concern with regard to the management of the Wambelong fire. Again these were primarily raised by volunteer fire fighters:

- Greater continuity in Divisional Commanders and better handovers between them was desirable.⁶³⁰ One Deputy Group Captain stated that each day the fire control centre seemed to appoint a different controller for each of the various divisions in the area, and that most of the time he did not know who the Divisional Commander for his area was.⁶³¹
- There appeared to some to be a different approach to work between some NPWS staff and RFS volunteers, with the former working only their (salaried) hours and the latter working as long as required to get the job done.⁶³² On the other hand, a NPWS officer who wished to stay to assist during a critical operation was heard to be ordered off the fire ground by a superior as his hours were up.⁶³³
- There were reports of underutilised fire trucks and graders, with equipment brought in from towns far away sitting in paddocks rather than being deployed to the fire front.⁶³⁴ In addition, their deployment was delayed by approval requirements.⁶³⁵
- Volunteer fire fighter coordination could have been improved by providing for volunteers to have longer and more regular breaks from the fire front,⁶³⁶ and by

⁶²⁹ Answers to questions on notice, Mr Bailey, 8 October 2014, p 11.

⁶³⁰ Submission 14, Warrumbungle Fire Action Group, p 9; submission 14d, Warrumbungle Fire Action Group, p 3; submission 14f, Warrumbungle Fire Action Group, pp 5-6; submission 14g, Warrumbungle Fire Action Group, p 9.

⁶³¹ Submission 14f, Warrumbungle Fire Action Group, p 9.

⁶³² Submission 14g, Warrumbungle Fire Action Group, p 11.

⁶³³ Submission 47, Mr Phil Henley, p 2.

⁶³⁴ Submission 14b, Warrumbungle Fire Action Group, p 7; submission 14e, Warrumbungle Fire Action Group, p 13;

⁶³⁵ Submissions 14g, Warrumbungle Fire Action Group, p 11.

⁶³⁶ Submission 14e, Warrumbungle Fire Action Group, p 13.

ensuring sufficient overlap at the fire ground between the finish of all overnight crews and the commencement of all day crews.⁶³⁷

- Aircraft should operate from daylight and be used for surveillance, manned by RFS staff together with brigade captains and land holders.⁶³⁸
- Tanker trailers provide a cost effective, quick response but are being phased out by the RFS.⁶³⁹ The RFS should investigate the feasibility of designing a one or two person compartment on the hitch frame of the trailer to address the safety concerns.⁶⁴⁰
- Some fire fighters and fire control officers need to be fitter and more skilled.⁶⁴¹

8.43 On the other hand, the Rural Fire Service Association praised aspects of the fire's management, quoting statements from several fire fighters who served at the Wambelong fire. One long serving volunteer expressed his gratitude to the RFS:

[T]hat was one of the best well run fires I have ever been to. We were all really well fed and [had] great sleeping quarters. It just saddens me when we have to defend our service. No one will ever know what we went through for the five days we were there.

Thank you to you and to all the staff who go into battle for all of us volunteers. You don't know how much we appreciate all the work you do.⁶⁴²

8.44 Another new volunteer argued against what he sees as disunity from some stakeholders, and underscored very positive aspects of the fire response:

I'm a 'newby' in the RFS and what I saw during January impressed me greatly. We didn't lose a life - that was the most important thing. I understand the tragedy of stock, fences and dwellings but you can never put a cost to saving a life. From my observations, the captains and the people in control on the fire ground are very capable and the teamwork is exemplary.⁶⁴³

Broader issues concerning the Rural Fire Service

8.45 Finally, some participants linked their concerns about how the Wambelong fire was managed to broader issues about the management of the RFS and organisational change within it.

8.46 As noted earlier in this chapter, the Volunteer Fire Fighters Association drew a link between what it sees as a lack of respect for local volunteers and the centralisation and bureaucratisation of the RFS along with the very significant resources for which the service is now responsible. Mr Williams told the committee:

⁶³⁷ Submission 14g, Warrumbungle Fire Action Group, pp 9-10.

⁶³⁸ Submission 14, Warrumbungle Fire Action Group, p 2.

⁶³⁹ Public forum, Mr Henley, 3 September 2014, p 9; submission 14f, Warrumbungle Fire Action Group, p 9.

⁶⁴⁰ Submission 48, Mr Tony Webb, p 3.

⁶⁴¹ Submission 14, Warrumbungle Fire Action Group, p 2; submission 14f, Warrumbungle Fire Action Group, p 14; Submission 14g, Warrumbungle Fire Action Group, p 14.

⁶⁴² Submission 46, Rural Fire Service Association NSW, pp 5-6.

⁶⁴³ Submission 46, Rural Fire Service Association NSW, p 6.

I am concerned about the direction the Rural Fire Service is now heading. It was originally set up to assist and support volunteers in their role. It has become a powerful centralised bureaucracy, which is not good for our future. I am very concerned at the cost. There has been enormous cost associated with fire management. It is a big growth industry. We have people in research. We have people resourcing aircraft. The cost of the service has expanded dramatically.⁶⁴⁴

- 8.47** Mr Williams suggested that since the RFS was formed in 1997 it has grown from around 150 paid staff to around 1,000, and that salaried staff ‘chew up’ an enormous amount of the RFS budget. He told the committee that many volunteers share these concerns and as part of the remedy, would like the service’s head office to move from the middle of Sydney to a rural location. He asserted that, ‘after all it is a rural fire service.’⁶⁴⁵
- 8.48** The Volunteer Fire Fighters Association also suggested that volunteers are not adequately represented in government decision making about bush fire management. It stated that while the NSW Government has formally recognised the Association as a body representing volunteer fire fighters, volunteers are not adequately represented in a number of statutory bodies and executive groups responsible for decision making: the RFS Advisory Council, the NSW Bush Fire Coordinating Committee, the Corporate Executive Group and Local Bush Fire Management Committee. The Association recommended that the RFS establish a board of management or state council to guide the strategic direction of the RFS, with volunteers given majority representation ‘as the foremost stakeholder in the RFS’.⁶⁴⁶
- 8.49** The Warrumbungle Fire Action Group echoed the Volunteer Fire Fighters Association’s concerns about the changes taking place within the RFS, asserting to the committee, ‘Our serious concern is that the RFS is slowly changing into a paid workforce, which is having a detrimental effect on the volunteer ethos and causing disenchantment and resignation by experienced volunteers.’⁶⁴⁷
- 8.50** Others also highlighted these systemic issues. Mr Bowman stated that he believes the RFS bureaucracy has grown too large, with too many paid staff, suggesting that ‘Fires are put out by volunteers and fire fighting equipment, not office workers.’⁶⁴⁸ He argued that the organisation is very inefficient: its wheels turn very slowly, while ‘fires don’t wait for anyone.’⁶⁴⁹ Like the Volunteer Fire Fighter’s Association, he argued for the RFS head office to move to a regional area to reconnect with the rural area it is meant to serve.⁶⁵⁰
- 8.51** Mr Tony Webb went so far as to propose that extinguishing fires quickly is no longer the service’s highest priority:

RFS – Empire Building Bureaucracy? Ourselves and many other brigades are concerned the RFS is becoming a top heavy over manned government agency that is maybe wasting money in many ways it shouldn’t be and that putting out fires as

⁶⁴⁴ Evidence, Mr Williams, 15 September 2014, p 12.

⁶⁴⁵ Evidence, Mr Williams, 15 September 2014, p 17.

⁶⁴⁶ Submission 40, Volunteer Fire Fighters Association, pp 5-6.

⁶⁴⁷ Public forum, Ms Carolyn Lyons, 3 September 2014, p 7.

⁶⁴⁸ Submission 36, Mr Michael Bowman, p 4.

⁶⁴⁹ Submission 36, Mr Michael Bowman, p 4.

⁶⁵⁰ Submission 36, Mr Michael Bowman, p 4.

quickly as possible isn't their highest priority ... RFS PAID staff need to cut the procedural red tape and give priority to immediate response.⁶⁵¹

8.52 Mr Warren Kimber offered a list of strategies to improve the RFS including:

- Remove the position of Commissioner and replace it with a board made up of volunteers and a chair from the defence forces.
- Remove the Rural Fire Service Association from the *Rural Fire Service Act* as it is unable to represent both volunteers and salaried staff without a conflict of interest.⁶⁵²

Committee comment

8.53 The committee was very concerned by the allegations from numerous volunteer fire fighters that they were not afforded sufficient respect and autonomy during the Wambelong fire, and that this reflects a broader trend in other geographical areas and fires. We were very troubled to hear that captains' knowledge was not sought or was ignored during this fire, that fire fighters were threatened and intimidated by their superiors, that counterproductive and uninformed orders were made, and that locals were left with no option but to defy fire control centre orders. This evidence also resonates with the serious allegations documented in the previous chapter that local group captains were not notified of the fire until well after the section 44 was declared.

8.54 The fact that greater respect for volunteer fire fighters was a matter of concern not only for numerous fire fighters but also for people in leadership roles within that community, suggests that it is a cause for real concern. It is apparent from the evidence before the committee that at times this lack of due respect undermined the effectiveness of the fire response. Indeed it stands to reason that decisions that do not harness valuable practical knowledge and experience, let alone the perspective of those at the fire front, will inevitably be less sound. In addition, the lack of respect and autonomy is bad for morale and threatens to erode the volunteer base upon which both the RFS as an organisation and its fire fighting efforts depend.

8.55 The committee was encouraged by the Commissioner's and the Incident Controller's acknowledgement of the need for more systematic use of local knowledge. However, the RFS' responses to the committee's questions on these matters did not seem to convey a recognition of the salience of the issue; nor did they indicate that sufficient action had been taken to address it. Hence the responses seemed to validate observations made to us that there is a disconnect between RFS management and fire fighters on the ground. In the committee's view there is a significant need to build greater respect for volunteers into the practices, procedures and culture of the RFS.

8.56 It is clear to the committee that there is a strong link between the need for greater respect for volunteer fire fighters and the very significant organisational change that has taken place in the RFS since it was established in 1997. As the service has centralised and professionalised it has inevitably acquired some of the features of a bureaucracy. Further drivers of this shift have been the very significant increases in resources for which the RFS is now responsible, as well

⁶⁵¹ Submission 48, Mr Tony Webb, p 3.

⁶⁵² Submission 37, Mr Warren Kimber, p 2.

as its greater level of accountability to government and to the public for the use of those resources, and indeed the outcomes of the fire response. In the committee's view, the RFS needs to work hard to strike the right balance between these inescapable forces on the one hand and their volunteer base, on which the effectiveness and future of the service depends, on the other.

8.57 While the committee sees a very important role for salaried RFS officers in the chain of command and for the RFS as a government agency, we recognise that local volunteer fire fighters have an intimate knowledge of the terrain and landholdings in their area, many years of experience fighting fires, and a significant personal interest in fighting a fire as quickly and effectively as possible. Moreover, when they are at the fire front they know better than anyone how the fire is behaving and the most appropriate way to respond to it. While a fire control centre's broader perspective is also very important, and the authorisation process can provide valuable checks and balances, we agree that fire fighters must be trusted and empowered to exercise their judgement at the fire front. Conversely, incident management teams must recognise that their real value in a fire lies in providing strategic oversight and logistic support, supplying the resources that the commander in the field and their crew requires. Matched with this, locals must be utilised at all levels of the chain of command.

8.58 Thus the committee recommends a number of strategies to help ensure greater respect for local volunteer fire fighters' knowledge and experience in the management of fires. First, the RFS should examine its plans of operations to provide for the use of local knowledge at every level of decision making down the chain of command. Next, it must require a local fire fighter to be stationed in every command vehicle, where possible. Third, it should ensure that every out of area crew includes at least one local fire fighter. Fourth, it should require officers to engage more effectively and regularly with volunteers during the periods between fires. Finally, the RFS should consider any further strategies to address the entrenched conflict between officers and volunteers, and further means to empower volunteers and utilise them more effectively.

Recommendation 18

That the NSW Rural Fire Service, in order to ensure greater respect for volunteer fire fighters' knowledge and experience in the management of fires:

- examine its plans of operations to provide for the use of local knowledge at every level of decision making down the chain of command
- require a local fire fighter to be stationed in every command vehicle, where possible
- ensure that every out of area crew includes at least one local fire fighter
- require officers to engage more effectively and regularly with volunteers during the periods between fires
- consider any further strategies to address the entrenched conflict between officers and volunteers, including additional ways to empower volunteers and utilise them more effectively.

8.59 The committee supports the view that volunteers do not have adequate representation in government decision making about bush fire prevention and management. While the Volunteer Fire Fighters Association has some recognition as a body representing volunteer fire fighters, as yet its representatives apparently have not been afforded due opportunity to

contribute to decision-making on policy and operational matters. The committee considers that the Association should, as a legitimate advocacy organisation for Rural Fire Service volunteers, be treated by the RFS as an integral participant in policy and operational decision-making.

Recommendation 19

That the NSW Rural Fire Service formally recognise the Volunteer Fire Fighters Association as a legitimate advocacy organisation representing volunteer bush fire fighters, and duly consult with it on policy and operational matters.

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- 8.60** The committee also considers that given the strength of disenchantment with the RFS head office being located in Sydney, the Minister for Police and Emergency Services should examine the possibility of moving those headquarters to a rural or regional area. This issue has powerful symbolism for local volunteers and a move away from the city has the potential to build within the RFS a greater understanding of rural fires.

Recommendation 20

That the Minister for Police and Emergency Services examine the feasibility of relocating the NSW Rural Fire Service headquarters to a rural or regional location.

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- 8.61** The committee is sympathetic to the view of many stakeholders that protecting land owners' homesteads seems to have overshadowed the importance of protecting other assets, and indeed the desire of land owners to instruct crews on what assets they would prefer to see protected. We were encouraged that the Commissioner has acknowledged the validity of these concerns, noting his caveat that these matters need to be considered in light of the intensity of the situation and the primary goals of protecting life and homes. This must be an issue in many if not all rural fires, and we are not aware of what if any formal consideration has been given to it since the Wambelong fire. It is also not clear to us whether this is a matter of policy, command or training. Whatever the case, we recommend that the issue should be formally considered by the RFS.

Recommendation 21

That the NSW Rural Fire Service reassess the protection of pastoral assets during bush fires to ensure that priority for protection is not simply afforded to the homestead, and that land holders are, within reason, able to request which of their own assets are protected.

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- 8.62** Based on the evidence before the committee, the communication technologies used at the fire scene appear unnecessarily complex, duplicative and unreliable. Most significantly, reports that such technology impeded the Wambelong fire response by impairing crews' ability to communicate with fire control and each other, and placed fire fighters and others such as plant operators in danger, are extremely troubling. We are encouraged by the NPWS' progress in improving its technologies, but are less informed as to what the RFS is doing on this front. While we recognise the significant monetary costs and logistical challenges in upgrading

equipment, we recommend that the Minister for Police and Emergency Services review communications technologies used by all rural fire fighting authorities to ensure that systems are standardised and effective. As an aspect of this work, the potential value of satellite phone technology should be investigated.

Recommendation 22

That the Minister for Police and Emergency Services review the communications technologies used by the NSW Rural Fire Service, Fire and Rescue NSW, the NSW National Parks and Wildlife Service and Forestry NSW during fire fighting operations, to ensure that systems are standardised and effective. Within this context, the potential value of satellite phone technology should be investigated.

Chapter 9 Recovery

In this final chapter of the report the committee examines various aspects of the recovery process following the Wambelong fire. First, we consider the restoration of fences, which emerged as an area of significant concern among numerous land owners whose properties were burned by the fire. Next we consider issues relating to property owners' insurance, then arrangements for compensating property owners, followed by the National Parks and Wildlife Service's restoration of the Warrumbungle National Park. The committee then considers a number of matters in relation to local government, the recovery centre and cleaning up after the fire.

Restoration of fences

- 9.1** The aspect of the recovery process following the Wambelong fire that was most commonly raised with the committee concerned the NPWS' arrangements for the restoration of burned or damaged fences. This was a very significant issue of concern to many inquiry participants, most especially property owners and others advocating for them. On a more positive note, the committee heard from a number of stakeholders about the very valuable work of BlazeAid volunteers to restore fences.

The work of BlazeAid

- 9.2** The committee heard that the voluntary organisation BlazeAid made an enormous contribution to the recovery process by erecting and repairing fences after the fire. Property owners such as Ms Donna Burton expressed their gratitude for this very practical and timely support:

BlazeAid and other community groups were so supportive and helpful after we were able to return home – without them we would have been at a loss as to where to start and what to do – getting fences up to keep the stock off the road was the first priority and neighbours and BlazeAid helped us to do that. To all who helped in any way we are so thankful.⁶⁵³

- 9.3** The committee heard from Mr Lawrence B Dawson, who coordinated BlazeAid at its Coonabarabran operation, that the organisation provided around 200 km of new fencing and almost the same in repairs and corrections following this fire, with the help of around 600 volunteers.⁶⁵⁴ Mr Dawson noted that this work was supported through an 'incredible' local response of individuals and organisations who contributed financially.⁶⁵⁵ Alongside the very practical aspect of this work, he noted the emotional benefit that many land owners gained from having their fences fixed:

I have spoken to individuals where I thought if I did not get a team out to them tomorrow they might not be there tomorrow. I would say, "We have some guys spare and we will send them out to get started." Women came to me crying and saying, "You have to help us get some fence lines." I would say, "I have not seen your

⁶⁵³ Submission 29, Ms Donna Burton, p 4.

⁶⁵⁴ Evidence, Mr Lawrence Dawson, Representative, BlazeAid, 4 September 2014, p 50.

⁶⁵⁵ Evidence, Mr Dawson, 4 September 2014, pp 50 and 51.

husband.” “No, he does not want to get out of bed.” Some men said it had taken them 40 years to build up their farms and they did not have it in them to redo things when they lost them. They needed somebody to come along and start doing something. We had people coming along and saying they wanted to counsel people. I would say, “Go and counsel them if you like, but let us do something. You can counsel them, but they need something done.”⁶⁵⁶

Negotiations with the National Parks and Wildlife Service

- 9.4** By contrast, there was a very strong and consistent level of dissatisfaction among inquiry participants about the actions of the NPWS in relation to the restoration of fences after the fire.
- 9.5** The committee heard that NPWS staff negotiating with immediate neighbours about replacement of fences took a high handed approach, such that people felt very pressured to accept and sign an agreement that was inherently unfair to them.
- 9.6** According to the Warrumbungle Fire Action Group, many land owners were very dissatisfied with the conditions demanded by the NPWS, with only a few actually signing the agreement. They suggested that those who did sign did so ‘in a desperate attempt to stay financially viable.’⁶⁵⁷ One submission author referred to the ‘bullying tactics’ used by the NPWS towards its neighbours, some of whom were elderly.⁶⁵⁸ In the Warrumbungle Fire Action Group’s view, this treatment was all the more offensive to land owners because the fire had originated in the national park, where the lack of hazard reduction burning had contributed to the immense strength of the fire (as is discussed at length in chapter 5).⁶⁵⁹
- 9.7** These complaints were vividly illustrated by Mr Darren and Mrs Lisa De Costa, who described their experience to the committee, captured in the case study on the following page.
- 9.8** Like Mr and Mrs De Costa, Mr Alan Imhoff described the NPWS as ‘in a state of standoff’ with him that as of January 2014 was unresolved. He told the committee that BlazeAid assisted him to remove around 12 kilometers of fire affected park boundary fencing, and he has since cleared six to ten meters of vegetation along his side of the new fence. Sometime later he received a letter from the NPWS that argued the length of fence line affected was only 9.6 kilometers and accused Mr Imhoff of fencing out 50 hectares of national park land. He also found the fencing contract inherently harsh as it required him to construct the fence within six months and maintain it indefinitely. He doubted his capacity to fulfil this requirement given that he is 65 years old and due to have his third open heart surgery.⁶⁶⁰
- 9.9** Others who witnessed the distress caused to property owners by negotiations with the NPWS took up the cause. The committee heard that BlazeAid volunteer, Magistrate Steve Jackson, wrote to the Hon Robyn Parker MP, then Minister for the Environment, reporting that the

⁶⁵⁶ Evidence, Mr Dawson, 4 September 2014, p 51.

⁶⁵⁷ Submission 14, Warrumbungle Fire Action Group, pp 3-4.

⁶⁵⁸ Submission 4, Name suppressed, p 4.

⁶⁵⁹ Submission 14, Warrumbungle Fire Action Group, pp 3-4; see also submission 11, Coonabarabran Property Owners Alliance, p 30.

⁶⁶⁰ Submission 3, Mr Alan Imhoff, pp 1-2

NPWS' treatment of property owners had further damaged its reputation, which was already very poor after the fire itself.⁶⁶¹

Case study: Restoration of fences⁶⁶²

Having sustained total loss to our property and to our belongings as a result of the Wambelong fire, we were at a loss in relation to starting the restoration process. We approached the NPWS in early February 2013, nearly one month after the fire. After initially positive indications from an NPWS officer that the service would supply the fencing of our choice, we were eventually driven to accept exactly what NPWS were prepared to supply and only for boundary fencing, not for any internal fencing.

The contract we were offered by the NPWS was decades old and many parts of it were not relevant to our situation. After many weeks of disputes with the NPWS officer assigned to liaise with property owners, we eventually felt obliged to sign the contract under duress, accepting conditions we definitely did not feel secure or happy about. We did this because the NPWS would not allow contractors to start clearing the land to make way for the new fencing until the contract was signed. They had us and the contractors at an impasse.

We were offered absolutely no assistance in restoring any other damaged infrastructure on our property and dispute resolution was categorically one sided.

We tried to get the NPWS to agree to a clearing of 10 metres on their side of the boundary fence line. Our main concern was that very old, tall, burnt out trees would eventually fall and systematically destroy our new fence. The NPWS would have none of it, even though it is a very common and legal practice between neighbouring rural fences, to have 10 metres cleared on either side. Eventually, after much debate they told us they would allow a maximum of 6 metres cleared, but they would prefer four. We had no choice but to accept their decision. As predicted however, no less than three large trees have already fallen from their side onto our fence. The cleanup and restoration of the fence each time this happens is expensive, dangerous and time consuming.

Having our internal fencing restored at their expense would have been a huge financial weight lifted from our shoulders. Remember, we did not start the fire but we are now using the insurance money we received for the house and contents to replace items lost that were not insured such as cattle yards, implements, shed, trailers, boundary and internal fencing. Understandably this will leave us with very little to rebuild our home with.

9.10 Mr Dawson of BlazeAid highlighted the fencing issue with the committee, attesting to the ongoing stress it has caused for property owners, along with the anger it has generated towards the NPWS and government in general:

⁶⁶¹ Submission 16, Mr Lawrence B Dawson, attachment 1, extract from letter from Magistrate Steve Jackson to the Hon Robyn Parker MP, Minister for the Environment.

⁶⁶² Submission 26, Mr Darren and Mrs Lisa De Costa, pp 1-2. This case study is based on the content of the submission.

As the months passed I have been able to observe the ongoing frustration and stress placed upon them as they struggled to deal with the bureaucratic processes required, particularly by the National Parks and Wildlife Service, when seeking fence reinstatement.

Sadly, the community attitude has hardened towards the National Parks and Wildlife Service, specifically, and our government institutions generally, who are perceived to have denied them basic justice and failed to redress in a timely manner the wrongs inflicted upon them.⁶⁶³

- 9.11** According to Mr Dawson, six months after the fire, only 14 of some 46 properties sharing boundaries with the national park had agreed with the conditions offered by the NPWS and signed the agreement document. He argued that this indicated the level of dissatisfaction with the conditions demanded by the NPWS.⁶⁶⁴ Mr Dawson explained that the most problematic aspect of the agreement was the requirement that the property owner was liable for matters over which they had no control, that is, the maintenance of the fence when the stipulated vegetation clearance widths were not sufficient to protect the fence from trees falling from national park land.⁶⁶⁵ He asserted that the contract was inherently unfair:

Why did they not sign up? They did not sign up because it was not fair. If a smart solicitor had advised them, he would have said, "Do not sign this document. It is not fair to sign it."⁶⁶⁶

- 9.12** Mr Dawson called for the NPWS to accept full liability for replacement of the fences damaged by the Wambelong fire, arguing that section 76 of the *Rural Fires Act 1997* establishes the liability of a land owner (in this case the NPWS) for full reinstatement of a fence in the event that the fence is damaged and the land owner has not maintained a six meter clearance on their side of the fence.⁶⁶⁷ He quoted the Act:

An adjoining owner who has cleared land on the adjoining owner's side of a dividing fence of all combustible matter for a distance of 6 metres from the fence may, by notice in writing, require the adjoining owner on the other side of the fence to repair or restore the dividing fence if it is damaged or destroyed by a bush fire caused by the failure of the other adjoining owner to clear the adjoining owner's side of the fence of all combustible matter for the same distance.⁶⁶⁸

- 9.13** Questioned about the fairness of the arrangement whereby the NPWS provides the materials and the property owner provides the labour, Mr Dawson agreed that this was also too onerous on the land owner, on the basis that the NPWS was responsible for the fire, which came from its side of the fence.⁶⁶⁹ Asked in September 2014 for an update on these matters, Mr Dawson

⁶⁶³ Evidence, Mr Dawson, 4 September 2014, p 47.

⁶⁶⁴ Submission 16, Mr Lawrence B Dawson, p 1.

⁶⁶⁵ Evidence, Mr Dawson, 4 September 2014, p 50; submission 16, Mr Lawrence B Dawson, p 4.

⁶⁶⁶ Evidence, Mr Dawson, 4 September 2014, p 50.

⁶⁶⁷ Evidence, Mr Dawson, 4 September 2014, p 51; Submission 16, Mr Lawrence B Dawson, p 11.

⁶⁶⁸ S 76, *Rural Fires Act 1997*, quoted in submission 16, Mr Lawrence B Dawson, p 10.

⁶⁶⁹ Evidence, Mr Dawson, 4 September 2014, p 51; see also submission 16, Mr Lawrence B Dawson, p 6.

indicated that they remained unresolved and suggested that the NPWS was stalling and allowing the matter to quieten down and go away.⁶⁷⁰

- 9.14** Like Mr Dawson, the Warrumbungle Fire Action Group called for the NPWS to accept the full cost of replacement of boundary fencing destroyed by the Wambelong fire. In addition, it recommended that the policies and attitudes adopted by the NPWS in relation to boundary fencing be addressed.⁶⁷¹

National Parks and Wildlife Service perspective

- 9.15** The NPWS advised the committee that the repair and replacement of fencing takes place in accordance with its standard fencing agreements.⁶⁷² It stated that as an agency of the Crown, the NPWS has no statutory responsibility under the *Dividing Fences Act 1991*, however, it is NPWS policy to contribute to the cost of constructing or replacing damaged or destroyed boundary fences by providing the fencing materials. The neighbour then erects the fence on the boundary.⁶⁷³ In relation to the concerns about vegetation clearance widths it stated:

NPWS generally works with a standard clearing width of 6m and has taken a flexible case by case approach, based on negotiations with neighbours, to any additional clearing that may be required. This is consistent with section 76 of the [Rural Fires] Act and includes provision for the removal of trees outside of this zone that may be at risk of falling onto the fence.⁶⁷⁴

- 9.16** Mr Terry Bailey, Chief Executive of the Office of Environment and Heritage (OEH), told the committee that in response to community concerns about the standard NPWS boundary fencing agreement after the Wambelong fire, the NPWS developed a simplified application process and fencing agreement, which was welcomed by adjoining land owners. In addition, the NPWS revised its boundary fencing policy to make it shorter and simpler. The revised policy, with a one page standard agreement, was published by the NPWS in February 2014.⁶⁷⁵ The revised policy aims to:

- explain how the NPWS will assist park neighbours in the construction and replacement of boundary fencing
- clarify the obligations and responsibilities of the NPWS and adjoining land holders for the construction, maintenance, repair and replacement of boundary fencing
- outline a streamlined process for repairing or replacing boundary fencing that has been damaged or destroyed by fires, floods or other natural events.⁶⁷⁶

⁶⁷⁰ Evidence, Mr Dawson, 4 September 2014, p 48.

⁶⁷¹ Submission 14, Warrumbungle Fire Action Group, pp 3-4.

⁶⁷² Submission 44, NSW Government, pp 31-32

⁶⁷³ Submission 44, NSW Government, pp 27-28.

⁶⁷⁴ Submission 44, NSW Government, pp 27-28.

⁶⁷⁵ Evidence, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 15 September 2014, p 21.

⁶⁷⁶ NSW Government, Office of Environment & Heritage, NSW National Parks & Wildlife Service, *Boundary Fencing Policy* (6 February 2014), <http://www.environment.nsw.gov.au/resources/protectedareas/14281BoundaryFence.pdf>.

- 9.17** The NPWS indicated that the revised fencing agreement also reflects the NSW Government's support for recommendation 8 of this committee's 2013 Inquiry into the Management of Public Land, that urgent action be taken to resolve disputes between the NPWS and its neighbours, particularly in relation to boundary fences and access roads.⁶⁷⁷

Essential infrastructure

- 9.18** The committee notes the importance of the essential infrastructure for rural communities. Mr Thring noted:

All the power poles burnt off. To illustrate: that is a strainer post. I was talking about the wind – the wind is blowing embers along the ground and that happened to all power poles and, of course, the power is off. Essential Energy had all the power back on within a week. Congratulations and thanks for that. That was just incredible. If you could have seen the mess, there were wires on the ground everywhere, and crash, bang, wallop – that was fixed.⁶⁷⁸

- 9.19** The committee notes the importance of this essential infrastructure in rural and remote communities and the quick response in replacing damaged infrastructure with fire resistant poles.

Insurance

- 9.20** A number of inquiry participants also expressed concerns about aspects of the insurance system, based on their experience of claiming after the fire. The Coonabarabran Property Owners Alliance told the committee that while some property owners have received satisfactory insurance outcomes and have chosen not to join the Alliance, others did not have adequate or affordable cover for their assets. Still others believe they were treated poorly by the insurance industry.⁶⁷⁹
- 9.21** The Alliance reported that in most cases, claims were settled by insurers quickly, courteously and in accordance with the various schemes.⁶⁸⁰ However, the majority of its members had some insurance but not full coverage of their losses because of prohibitively expensive premiums - in some cases \$50,000 to \$60,000 per year.⁶⁸¹ According to the Alliance, the unaffordability of premiums arises from a number of sources: the averaging conditions applied to assets such as fencing and livestock; the substantial increases occasioned by the 2010-11 Queensland floods; and the government levy of between 33 and 37 per cent of premiums comprising the fire service levy, emergency services levy and GST. The Alliance argued that this government component directly contributes to property owners'

⁶⁷⁷ Submission 44, NSW Government, p 34.

⁶⁷⁸ Evidence, Mr John Thring, 4 September 2014, p 54.

⁶⁷⁹ Evidence, Mr Lill, Co-Chairman, Coonabarabran Property Owners Alliance, 4 September 2014, p 14.

⁶⁸⁰ Submission 11, Coonabarabran Property Owners Alliance, p 32.

⁶⁸¹ Evidence, Mr Lill, 4 September 2014, p 16.

underinsurance,⁶⁸² and called for this funding model to be overturned.⁶⁸³ It further contended that, ‘Since the fire, most insurers have doubled their premiums even though there is nothing left to burn.’⁶⁸⁴

9.22 The Warrumbungle Fire Action Group also highlighted the issue of prohibitive premiums, asserting that, ‘Our insurance policies are funding the RFS and after the events of the last couple of years, our premiums have doubled if not tripled. Victoria has stopped this. NSW needs to stop this too.’⁶⁸⁵ Mrs Juleen Young reported that premiums have risen 250 to 300 per cent and noted the very onerous application renewal process now required of farm owners. She asked, ‘Because of the area we live in are we going to be penalised for living near a national park or any other type of public land?’⁶⁸⁶

9.23 Asked by the committee to provide more details on its members’ insurance, their claims and outcomes, the Coonabarabran Property Owners Alliance furnished the following information combining the responses to a questionnaire sent to all its members:

Table 2 Coonabarabran Property Owners Alliance: information on members’ insurance

Question	% Yes	% No
1. Did you have insurance?	70	30
2. Were you fully insured?	16	84
3. Were you partially insured?	57	43
4. Were you under insured?	77	23
5. Did you make a claim?	70	30
6. Have you received payment for your claim?	67	33
7. Were any assets lost or damaged that were not insured?	100	0
8. Approximately what percentage of your total losses did you recover through insurance?	30	N/a

Source: Submission 11a, Coonabarabran Property Owners Alliance, p 6.

9.24 The Alliance reported that some of its members were caught out by the policy renewal process over the New Year holiday and no period of grace was extended to them, such that they were not paid out for the major losses they incurred.⁶⁸⁷ This was the experience of Mr John Shobbrook, who told the committee that he made a successful claim on his home but not the contents. During a very stressful period in the months prior to the fire (in which he was recovering from heart surgery and he and his wife were caring for their granddaughter in difficult family circumstances) he and his wife had accidentally overlooked renewing their

⁶⁸² Submission 11a, Coonabarabran Property Owners Alliance, p 6; evidence, Mr Lill, 4 September 2014, p 16.

⁶⁸³ Submission 11, Coonabarabran Property Owners Alliance, p 32.

⁶⁸⁴ Submission 11a, Coonabarabran Property Owners Alliance, p 6.

⁶⁸⁵ Submission 14, Warrumbungle Fire Action Group, pp 9-10.

⁶⁸⁶ Submission 39, Mrs Juleen Young, p 2.

⁶⁸⁷ Submission 11a, Coonabarabran Property Owners Alliance, p 6.

contents insurance. An appeal to their insurer based on 12 years of continuous payments was not successful.⁶⁸⁸

9.25 The author of submission 52 had a more positive experience:

During that first week we made contact with our insurance company, Commsure. They were most professional and arranged for their assessor to be on site as soon as was practical. He viewed the damage and organised cleaning contractors and rebuilding estimations to be onsite as soon as possible. The assessor was courteous and compassionate and continued to keep in contact with us throughout the whole ordeal.⁶⁸⁹

Compensation for property owners

9.26 Looking beyond the insurance system, the committee heard that numerous property owners are seeking compensation from the NSW Government for the very substantial losses that they experienced as a result of the Wambelong fire. We also heard that they have made no progress in this respect to date.

9.27 The Coonabarabran Property Owners Alliance, whose stated objective is ‘to receive fair and just compensation for the losses incurred by members in the Wambelong fire’,⁶⁹⁰ argued that the actions of the NPWS prior to and during the initial stages of the fire was ‘behaviour so unreasonable that it could not be considered in any way a proper exercise of the duty of that agency.’⁶⁹¹ In chapters 5, 6 and 7 the committee documented the many ways in which the Alliance considers the NPWS did not fulfil its responsibilities with regard to preventing and responding to the fire.

9.28 Mr Stephen Lill, Co-Chairman of the Alliance, advised the committee that property owners are seeking compensation for their physical losses via the NPWS’ public liability insurance. He reported that the group’s initial efforts to commence this process by writing to the Premier ‘were fobbed off’, with the group advised that there would be no discussion of the matter until the respective reports of the Coroner and this committee were released and considered.⁶⁹² Mr Lill told the committee that the Alliance could not understand this approach, and that by rejecting any possibility of negotiating settlements, the government was forcing property owners into a process of legal dispute which they do not want and which is destructive to the community in which they live:

We are a small group of people who have been burnt. The actions of the Executive Government have not allowed for the State public liability insurance system to kick in. Because of the rejection of any notion of negotiations, it has turned regular citizens, business people and retirees into amateur sleuths and we have to come up with submissions and virtually accuse further parties of inappropriate action. This is not

⁶⁸⁸ Submission 33, Mr John Shobbrook, pp 3-5

⁶⁸⁹ Submission 52, Name suppressed, p 3.

⁶⁹⁰ Evidence, Mr Lill, 4 September 2014, p 14.

⁶⁹¹ Submission 11, Coonabarabran Property Owners Alliance, p 45.

⁶⁹² Evidence, Mr Lill, 4 September 2014, p 14.

good in a small community. We hate it. I hate it. I do not want any division in this town.⁶⁹³

- 9.29** Noting that its own members carry public liability insurance to provide for losses to others from events arising on their properties, the Coonabarabran Property Owners Alliance argued that all they are seeking is fair and just compensation where a clear case of public liability exists. It suggested, ‘Our claim for fair and just compensation should be no different to having one’s car repaired after a NPWS vehicle passed through a stop sign and hit our car. We don’t need that the driver or employer be punished, we just want our car repaired and back on the road without delay, we don’t want a new car or extras, it really is as simple as this example.’⁶⁹⁴
- 9.30** In the absence of any satisfaction or recognition from the government and its insurer to date, the Alliance expressed its hope to the committee that our inquiry will provide ‘a clear directive ... to provide for fair settlements to affected property owners.’⁶⁹⁵

National Parks and Wildlife Service perspective

- 9.31** Asked to explain the arrangements and processes for restitution of private property as a result of the fire, the OEHL advised that there is no general remedy for restitution for property lost as a result of fire. It noted that individuals or businesses who have suffered losses as a result of a fire may be able to claim on an insurance policy where a policy is held and the insurer accepts a claim. It then went on to explain the government’s public liability scheme arrangements, which rest upon the establishment of the government’s legal liability for the losses incurred:

The NSW Government has a self insurance scheme known as the Treasury Managed Fund (TMF). Any claim for compensation against the state government is referred to the TMF for assessment. However, there is not an automatic entitlement to payment. In order for restitution to be made, the property owners must demonstrate that the NSW Government is legally liable for the circumstances which gave rise to their loss.

Where it can be demonstrated that the NSW Government is legally liable for the circumstances which gave rise to their loss, a property owner may be able to make a claim, through the court, for compensation.⁶⁹⁶

- 9.32** The government submission gave greater detail on the compensation that can potentially be paid and the claims process:

The TMF will pay, on behalf of the member agency, all sums for which the member agency shall become legally liable to pay by way of compensation in respect of claims made against the member agency caused by an occurrence in connection with its activities. The TMF will also pay all costs and charges and expenses incurred in the settlement or defence of claims or litigation arising where such costs are incurred with the written consent of the Fund, and all costs charges and expenses recoverable from them by the claimant. Usually, certain documentation is required to process any public

⁶⁹³ Evidence, Mr Lill, 4 September 2014, p 19.

⁶⁹⁴ Submission 11, Coonabarabran Property Owners Alliance, p 45.

⁶⁹⁵ Submission 11a, Coonabarabran Property Owners Alliance, p i.

⁶⁹⁶ Answers to supplementary questions, Mr Terry Bailey, Chief Executive, Office of Environment and Heritage, 8 October 2014, p 9.

liability claims against the member agency including a written letter of demand from the claimant or their legal representative.⁶⁹⁷

Rehabilitation of the Warrumbungle National Park

9.33 In this section the committee documents the actions that the NPWS is taking to rehabilitate the Warrumbungle National Park.

9.34 Mr Bailey of the OEH advised the committee that because of the national park's significance to the local community and economy as the premier tourist attraction in the region, a major focus for the NPWS since the fire had been ensuring the park's facilities can again be used by visitors.⁶⁹⁸

9.35 The NPWS informed the committee that, given the national heritage status of the park and the unprecedented impact arising from the Wambelong fire, the process of recovery was led by an interagency team of ten specialists using a similar approach employed after the 2009 Victorian bush fires. The team inspected the park soon after the fire and determined priority actions, particularly with respect to mitigating risks to public safety, infrastructure and the environment. It then worked with local NPWS staff to develop a list of priority actions.⁶⁹⁹

9.36 The NPWS provided some detail on the various aspects of the recovery efforts:

- A recovery plan was developed to guide and prioritise the various elements of the recovery program, which is expected to run for an initial period of three years.
- A temporary visitor facility was established and a community consultation forum with key stakeholders was held in September 2013 regarding the reconstruction of the visitor centre. Given the damage to a range of other facilities, the NPWS intends that reconstruction of the visitor centre be incorporated into a park visitor plan to ensure that the best type and configuration of visitor facilities is provided.
- All major campgrounds have reopened.
- A large portion of the walking track network has been repaired including White Gum Lookout, Split Rock, Burbie Canyon and Mount Exmouth. The Breadknife and Grand High Tops walking track reopened at Easter 2014.
- A range of science and wildlife recovery programs are being developed and implemented to support rehabilitation and further understanding of the impacts of the fire on the natural and cultural values of the park. Programs to date include supplementary feeding of macropods, detailed fauna surveys, water quality monitoring, a brush-tailed rock wallaby population survey, koala rehabilitation, Aboriginal site surveys and site protection assessment, installation of 300 nesting boxes for possums, parrots and microbats, and control of invasive weeds in the park. Research programs into wildlife, cultural heritage and fire behaviour have commenced.
- Replacement of park signage and repairs to other infrastructure is underway.

⁶⁹⁷ Submission 44, NSW Government, pp 31.

⁶⁹⁸ Evidence, Mr Bailey, 15 September 2014, p 21.

⁶⁹⁹ Submission 44, NSW Government, pp 28-29.

- A Recovery Coordinator has been employed to progress the recovery program, along with new local field staff.
- In November 2013 the NPWS, in conjunction with local businesses, staged its 11th annual Crooked Mountain concert in the national park, seeing this as a major milestone in the recovery process. The 12th annual concert was staged in November 2014.
- The NPWS is also working with the Castlereagh BFMC and local brigades to address any fire management issues that have been raised since the fire.⁷⁰⁰

Local government

9.37 While the committee heard praise for the Warrumbungle Shire Council, its councillors, management and staff for their support for those affected by the fire,⁷⁰¹ certain aspects of local government administration were raised as areas of concern for a number of inquiry participants. These related to the reimbursement of council costs by state and federal government agencies, building regulations and administration of donations.

Reimbursement of council costs

9.38 The Warrumbungle Shire Council expressed to the committee its gratitude for the assistance given by all government agencies for the recovery effort following the fire.⁷⁰² The assistance included:

- \$50,000 from the Minister for Tourism, Major Events, Hospitality and Racing and the Minister for the Arts, from Tourism NSW to assist in rebuilding the tourist trade
- \$70,000 from the then Premier and Minister for Western Sydney from ReStart NSW to assist with community projects
- \$177,000 from the Deputy Premier, Minister for Trade and Investment and Minister for Regional Infrastructure and Services from the Public Recreation Reserve Funding Program to improve the showground electrics, enabling the BlazeAid camp to comply with work health and safety standards
- \$184,287 from the then Prime Minister, for cleaning of drains blocked due to black litter silt from the fire and for damage to traffic facilities
- \$161,038 from the Minister for Police and Emergency Services and Minister for the Hunter, from the Natural Disaster Relief Assistance Program for roadside cleanup
- Authorisation from the Minister for the Environment and Heritage to license the Coonabarabran land fill to receive asbestos, dramatically reducing the cost of taking the rubble to Dubbo
- Arrangement by a Director at the Ministry for Police and Emergency Services for the asbestos cleanup.⁷⁰³

⁷⁰⁰ Submission 44, NSW Government, pp 28-29; evidence, Mr Bailey, 15 September 2014, p 21.

⁷⁰¹ Submission 11, Coonabarabran Property Owners Alliance, p 32.

⁷⁰² Submission 22, Warrumbungle Shire Council, p 3.

9.39 The council advised the committee that despite these donations, it now finds itself with a shortfall of around \$528,000 out of a total council outlay of \$2.86 million, noting that this shortfall is a very substantial sum for a regional council to bear.⁷⁰⁴ The council explained that the problem arose from differences between pledges from government representatives at the time of the fire, and the funds that were subsequently provided:

Council is very grateful for the assistance given by all agencies, however the pledges of financial assistance and the actual result don't match up. Many hours have been spent battling with Treasury, Public Works and other agencies that are involved in the assessment process to try and recover outstanding funds.⁷⁰⁵

9.40 The committee explored this issue with Mr Steve Loane, General Manager of the Warrumbungle Shire Council, who advised that the pledges made by politicians 'in the heat of the moment' - not only to the Mayor and General Manager, but also at public meetings - created an expectation that infrastructure would be rebuilt. However, when the time came to recover the costs, the council encountered inflexibility on the part of government agencies including NSW Treasury and NSW Public Works when applying the rules under which claims are paid. Mr Loane attested to council representatives having to 'reinvent the wheel' for bureaucrats who went away, checked the rules, then came back to the council and said, 'We don't care what the Minister says. We don't care what anybody else says about this. This claim doesn't fit the guidelines. There is no box I can tick for this.' This meant that council then had to pursue a long negotiation process, which in its view has still not reached a satisfactory conclusion.⁷⁰⁶

9.41 Mr Loane indicated that while he understood the difficulties in making sure a claim met the guidelines, he would have appreciated a more efficient and flexible process. He suggested that claims of this nature be handled on site, not in Sydney, asserting, 'Do not do them in Sydney. Bring people up here, sit down and talk to the engineers, talk to the contractors, talk to the people involved in the event and look at it on its merits.'⁷⁰⁷

Building regulations

9.42 The committee was concerned to hear that Ms Heather Meldrum and Mr Lee Poulton, the owners of a property that we visited on Timor Road near Coonabarabran, Ms Heather Meldrum and Mr Lee Poulton, had been advised by the council that they would not be able to rebuild one of their two houses on the property because the standards that applied had changed since the time the former houses were built. Ms Meldrum advised that one had been used as a bed and breakfast and was an important source of livelihood for their family.⁷⁰⁸

9.43 According to Mrs Juleen Young, people trying to rebuild on their land now have much red tape to deal with. Like Ms Meldrum, she pointed to changes in building codes which meant

⁷⁰³ Answers to questions on notice, Mr Steve Loane, General Manager, Warrumbungle Shire Council, 2 October 2014, pp 1-2.

⁷⁰⁴ Evidence, Mr Steve Loane, General Manager, Warrumbungle Shire Council, 4 September 2014, p 4.

⁷⁰⁵ Submission 22, Warrumbungle Shire Council, p 3.

⁷⁰⁶ Evidence, Mr Loane, 4 September 2014, pp 6-7.

⁷⁰⁷ Evidence, Mr Loane, 4 September 2014, pp 6-7.

⁷⁰⁸ Site visit, Ms Heather Meldrum, 3 September 2014.

that many people could no longer build what they previously had, and further suggested that the Warrumbungle Shire's recent local environmental plan did not allow some structures to be built where existing ones stood before the fire. She also reported that residents are being informed they have to put in a development application for a garden shed or for other sheds on rural land, and argued that these matters suggested that council is putting up road blocks rather than cooperating with affected residents.⁷⁰⁹

- 9.44** Mr Lill of the Coonabarabran Property Owners Alliance highlighted the significant cost implications for property owners arising from the use of modern construction materials, similarly noting that perfectly functioning infrastructure such as septic tanks, which would have been compliant had the fire not occurred, are now no longer approved. He suggested that while people can see the merit of building requirements and generally wish to comply with them, the system seems inflexible and has added to people's already very high stress levels. He further reported that while the scheme under the Mayor's Trust established after the fire reimbursed people for a certain amount of money on council administration costs for one house and one shed, many properties had much more infrastructure than this, such that the development application costs are prohibitive.⁷¹⁰
- 9.45** The committee explored these issues with council representatives. Mr Loane stated that he was not aware of any impediments on the council's part, nor any applications refused on planning grounds. He noted that state government changes to the bush fire regulations affecting access and egress to properties in fire prone areas was a key issue and that some land owners were affected by the requirement for an asset protection zone to be entirely encompassed on their own land.⁷¹¹

Administration of donations

- 9.46** One couple, Mr Darren and Ms Lisa De Costa voiced dissatisfaction about the way that donated funds were managed by the Mayor's Trust. In their view, the trust did not equitably or adequately benefit the individuals affected by the fire because the several charities that distributed the benefits were not given a list of bush fire victims by the council, owing to requirements under privacy legislation. Victims often learned about the resources through the 'bush telegraph'; monies were distributed on a 'first in first served' basis; some people got more than others; and the funds ran out too soon. They suggested that a personal phone call from council to each of the eligible households would have helped significantly.⁷¹² Another submission author also noted these issues.⁷¹³
- 9.47** Mr and Ms De Costa further argued that the council benefited from the Mayors' Trust scheme for reimbursement of development applications costs for one house and one shed, in that what they saw as hefty application fees meant that a large portion of the trust went to the council. In addition, people who had previously had very poor or no road frontage fencing were able to receive trust payments for building road frontage fences as well as donated

⁷⁰⁹ Submission 39, Mrs Juleen Young, pp 1-2.

⁷¹⁰ Evidence, Mr Lill, 4 September 2014, p 19.

⁷¹¹ Evidence, Mr Loane, 4 September 2014, pp 3-4 and 7-8.

⁷¹² Submission 26, Mr Darren and Mrs Lisa De Costa, p 3.

⁷¹³ Submission 52, Name suppressed, p 3.

fencing materials and labour. Mr and Mrs De Costa argued that the council was the real winner in this scenario as there are now many kilometers of new fencing along council roads paid for by donations held by the Mayor's Trust. They proposed that a more equitable disbursement of money would have been more beneficial to those with little or no road frontage. Finally, the De Costas argued that victims would have liked more say over the disbursement of funds.⁷¹⁴

Recovery centre

9.48 A recovery centre to assist community members affected by the fire operated from 18 January to 8 March 2013 at the Coonabarabran Community Hall. The centre, established under the responsibilities of the Ministry for Police and Emergency Services, was managed by Warrumbungle Shire Council staff and provided a one stop shop of services including disaster welfare (Ministry for Police and Emergency Services), NSW Housing, Department of Primary Industries, mental and community health, Legal Aid, Centrelink, local banks and utilities. The centre received 1324 intakes during the seven or so weeks that it operated.⁷¹⁵

9.49 After the recovery centre closed, the council provided a modified as needs service at the council chambers, via two council staff along with a temporary mental health worker auspiced by the Ministry for Police and Emergency Services. In the council's view, the recovery centre closed 'far too soon', leaving 'a massive hole ... when the assistance was withdrawn.'⁷¹⁶ Mr Loane emphasised the need for mental health and community support services well beyond the centre's lifetime of less than two months. In September 2014 he told the committee that the council continues to provide that service unfunded because of the ongoing need, asserting, 'I definitely think that the emotional and mental support was needed until today.'⁷¹⁷

Cleaning up

9.50 As a final issue in relation to the recovery process, three participants expressed dissatisfaction with provisions for cleaning up after the fire.

9.51 Mr Llewelyn Selmes told the committee that his family was not eligible for funding for cleaning up their property as they made more than 50 percent of their income off-farm. This seemed very unfair to him.⁷¹⁸

9.52 Mr and Mrs De Costa reported that they got no assistance with cleaning up, although victims of other fires have received this, telling the committee:

We were not offered any help in the way of resources or funding to clear our block, however we understand places such as the Blue Mountains and Tasmania were given

⁷¹⁴ Submission 26, Mr Darren and Mrs Lisa De Costa, p 3.

⁷¹⁵ Submission 22, Warrumbungle Shire Council, p 2; media release, Hon Michael Gallacher MLC, Minister for Police and Emergency Services, Minister for the Hunter, 'Recovery centre opens in Coonabarabran', 18 January 2013, <http://www.emergency.nsw.gov.au/news.php/754.html>.

⁷¹⁶ Submission 22, Warrumbungle Shire Council, p 2.

⁷¹⁷ Evidence, Mr Loane, 4 September 2014, p 4.

⁷¹⁸ Public forum, Mr Llewelyn Selmes, 3 September 2014, p 4.

State Government funding to assist in the removal of rubbish and debris. After a local Council representative made an estimation on how much waste needed to be removed from our property we were offered ‘tip vouchers’ to use. Transport, physical labour and/or other costs associated were ours to meet. Little help when you’ve lost everything i.e. truck, trailer, Hiab, etc and have limited cash flow.⁷¹⁹

Committee comment

- 9.53** In the committee’s view there are a number of lessons for NSW government agencies arising from the recovery period following the Wambelong fire.
- 9.54** First, there are clear lessons for the NPWS in relation to its process of negotiating agreements with property owners and in respect of replacement or repair of boundary fencing following the traumatic events of the fire. That this issue was raised by so many inquiry participants, including community leaders, attests to its significance. The committee welcomes the NPWS’ production of a shorter and simpler policy and standard agreement, released in February 2014. However, we consider that the abridged policy and agreement was produced too late – more than a year after the fire. In addition, it does not address the fundamental issue of the requirement upon land owners to be responsible for maintenance of the fence when the stipulated vegetation clearance widths are not sufficient to protect the fence from trees falling from national park land.
- 9.55** The Committee received consistent evidence about the uncertain capacity of land owners adjoining the Warrumbungle National Park to competently negotiate with NPWS in the aftermath of the fire in settling boundary fence reconstruction agreements. Whilst it is understandable and commendable the NPWS wanted to expedite the rebuilding program, many neighbouring land owners were in a state of shock and lacking support to make significant decisions of this nature.

Recommendation 23

That the NSW National Parks and Wildlife Service adopt an interim fencing agreement in the immediate aftermath of a fire. This will enable emergency and interim works to commence, but features such as length, fencing components and site of the fence line are not binding. A final fencing agreement would be negotiated no earlier than six months following a major national park fire.

- 9.56** We appreciate that both the original and revised form and policy are consistent with standard NPWS fencing agreements and acknowledge that Mr Bailey of the Office of Environment and Heritage has assured us that NPWS has taken a ‘flexible, case by case approach, based on negotiations with neighbours, to any additional clearing that may be required’, including provision for the removal of trees outside of six meters that may be at risk of falling onto the fence. Nevertheless, the strength of stakeholder dissatisfaction suggests that this flexibility needs to be much greater. The committee was informed in September 2014 that these issues remain unresolved.

⁷¹⁹ Submission 26, Mr Darren and Mrs Lisa De Costa, p 3.

- 9.57** In the committee's view, the NPWS must ensure that, where a park is adjacent to a rural land holding, its side of the boundary fence is cleared to the same legislative requirement as the land holding. We also recommend that NPWS examine the fairness of the policy whereby, in the event of a fire originating on national park land, it provides the fencing materials to construct or replace boundary fences, while the neighbour erects the fences.
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Recommendation 24

That the NSW National Parks and Wildlife Service:

- ensure that where a park is adjacent to a rural land holding, its side of the boundary fence is cleared to the same legislative requirement as the land holding, that is, six metres
 - examine the fairness of the policy whereby, in the event of a fire originating on national park land, the Service provides the fencing materials to construct or replace boundary fences, while the neighbour erects the fences.
-

- 9.58** The committee further considers that the NPWS must remove from its fencing policy and standard contracts the fundamentally unfair requirement that adjoining land owners maintain a fence that has been damaged by trees falling from national park land.
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Recommendation 25

That the NSW National Parks and Wildlife Service remove from its boundary fencing policy and standard contract the condition that requires adjoining land owners to maintain a fence that has been damaged by trees falling from national park land.

- 9.59** The committee congratulates BlazeAid and each of the volunteers that contributed to the removal, repair and restoration of fences after the fire.

- 9.60** Noting the profound financial and emotional impact that the Wambelong fire has had on the many individuals whose properties were burned by the fire, as documented in chapter 3 of this report, the committee shares inquiry participants' concerns about the insurance system and empathises with those property owners whose losses have not been fully covered by their insurance. We were very concerned to hear that the affordability of insurance prior to the fire was affected by government levies, and that since the fire, premiums have escalated sharply. We believe that the Office of State Revenue should investigate mechanisms to enhance the affordability of insurance for properties and assets in fire affected areas. When identifying potential mechanisms it should consider those operating in Victoria and other jurisdictions.
-

Recommendation 26

That the Office of State Revenue investigate mechanisms to enhance the affordability of insurance for properties and assets in fire affected areas.

- 9.61** Also in light of the massive financial and emotional impact of the fire on property owners, the committee was extremely concerned by Mr Lill's comments (see paragraph 9.21) that efforts by the Coonabarabran Property Owners Alliance to commence a process of negotiating compensation for their losses by approaching the NSW Government 'were fobbed off'. We were further concerned to hear that Alliance members feel that the government is forcing them into a process of legal dispute which they do not want and which is destructive to their community.
- 9.62** The committee appreciates that the government's public liability scheme arrangements rest upon the establishment of the government's legal liability for the losses incurred and that this will occur via a legal process. The committee accepts this but we underscore the massive strain that the length of the process and its adversarial nature are placing upon those who intend to make a claim. It is already two years since the fire occurred and people are still faced with the uncertainty of whether they will be duly compensated for their losses. They continue to suffer emotionally, financially, and in terms of community relationships. The committee considers that the government has a moral obligation to do all that it can to expedite the process of establishing any legal liability for the losses incurred by property owners as a result of the Wambelong fire. Should it be found liable, it must also expedite the process of paying compensation claims. Of course, it also has a moral obligation to ensure that all payouts are fair.

Recommendation 27

That the NSW Government take all reasonable steps to expedite the process of establishing any legal liability for the losses incurred by property owners as a result of the Wambelong fire, and in the event that it is found liable, expedite the process of paying compensation claims.

-
- 9.63** Turning to rehabilitation of the Warrumbungle National Park, the committee is pleased that in recognition of the very significant role that the national park plays in community and economy of Coonabarabran and surrounding areas, the NPWS has actively pursued a comprehensive set of measures to rehabilitate the physical attributes of the park. We acknowledge the very substantial work that its officers are undertaking here.
- 9.64** In relation to local government, the committee congratulates the Warrumbungle Shire Council on the massive role that it played in responding to the practical, emotional and infrastructure needs of the residents of the Coonabarabran area after the fire. The council, its staff and contractors had little choice but to respond quickly and effectively to substantial and complex demands, including in relation to community welfare, roads, drainage and asbestos removal. We understand the council's frustration that all funds pledged by Ministers, the then Premier and Prime Minister were not actually paid, such that it now has a shortfall of over half a million dollars. We also understand the council's frustration at the bureaucratic approach it encountered in seeking the funds it was promised, and the significant time and effort required of council staff in pursuing these issues, which remain unresolved.
- 9.65** The committee considers that there are important lessons here for state government, on which the Ministry for Police and Emergency Services should take leadership, working with NSW Treasury. We recommend that the Ministry and NSW Treasury reimburse the

Warrumbungle Shire Council the state government's share of the remaining shortfall of \$528,000 arising from ministerial commitments to the recovery process. In addition, we recommend that the Ministry and Treasury formally consider how the process for claiming funds pledged by state government representatives in future disasters and emergencies can be streamlined.

Recommendation 28

That the Ministry for Police and Emergency Services and NSW Treasury:

- reimburse the Warrumbungle Shire Council for the NSW Government's share of the remaining shortfall of \$528,000 in funds pledged to the recovery process
- consider how the process for claiming funds pledged by state government representatives in future disasters and emergencies can be streamlined.

9.66 The committee was concerned to hear that the process of recovery and rebuilding has been made more complicated and onerous for some property owners by building and zoning requirements, in some cases affecting their livelihoods. We also acknowledge the criticisms made by some participants concerning the administration of the Mayor's Trust by which donated funds were disbursed. We urge the Warrumbungle Shire Council to consider the feedback documented in this chapter. At the same time we acknowledge the very generous donations to the Trust made by a multitude of individuals, businesses and organisations, and the many ways that it assisted people in their time of greatest need.

9.67 Finally, but by no means least, we turn to an issue of critical importance to this inquiry: the wellbeing of those affected by the Wambelong fire. When we visited Coonabarabran, we witnessed for ourselves the profound and continuing vulnerability of many individuals and families, and it was very clear to us that within the community there is an enduring need for professional services to provide mental health and other support. This continuing need was underscored by representatives of the Warrumbungle Shire Council.

9.68 The committee sees strong merit in the council's view that the recovery centre closed far too soon after the fire, that a more gradual transition was warranted, and that longer provision should have been made for mental health services in particular. The committee considers it vitally important that the Ministry for Police and Emergency Services, which is responsible for coordinating disaster welfare, learn from this experience and ensure the provision of adequate funding and services, including for longer periods, especially mental health and support services, following future bush fire emergencies.

Recommendation 29

That the Ministry for Police and Emergency Services urgently review its policies for the provision of disaster welfare services to ensure that in the event of a bush fire emergency and the declaration of a fire under section 44 of the *Rural Fires Act 1997*, adequate funding and services, especially recovery centres and mental health services, are provided for an adequate length of time, with gradual transition to normal service delivery when those services are no longer required.

Appendix 1 Submissions

No	Author
1	Mr John Thring
1a	Mr John Thring
2	Mr Stephen and Louise Knight
3	Mr Alan Imhoff
4	Mr Perry Wilkinson - Partially confidential
5	Mrs Lois Wilkinson – Partially confidential
6	Mr Vic Jurskis
7	Australian Forest Products Association
8	Mr Trevor Houghton - Partially confidential
9	Name suppressed - Partially confidential
10	Mr David Packham
11	Coonabarabran Property Owners Alliance – Partially confidential
11a	Coonabarabran Property Owners Alliance
12	Mrs Jane Judd
13	Mr Max Zell OAM
14	Warrumbungle Fire Action Group
14a	Warrumbungle Fire Action Group
14b	Warrumbungle Fire Action Group
14c	Warrumbungle Fire Action Group
14d	Warrumbungle Fire Action Group
14e	Warrumbungle Fire Action Group
14f	Warrumbungle Fire Action Group – Partially confidential
14g	Warrumbungle Fire Action Group – Partially confidential
14h	Warrumbungle Fire Action Group – Partially confidential
14i	Confidential
15	Mr Peter Hellyer – Partially confidential
16	Mr Lawrence B Dawson
17	Confidential
17a	Confidential
18	Mr D Williams – Partially confidential
19	Mr Wayne West – Partially confidential
20	Mrs Kim Noonan – Partially confidential

No	Author
20a	Mrs Kim Noonan
20b	Mrs Kim Noonan
21	Mr Stephen Wallace
22	Warrumbungle Shire Council – Partially confidential
23	Clr Peter Shinton
24	Mrs Fiona Selmes – Partially confidential
25	Mr Llewelyn Selmes – Partially confidential
26	Mr Darren and Mrs Lisa De Costa – Partially confidential
27	Dr Simon Pockley
28	Gilgandra Shire Council
29	Ms Donna Burton
30	Name suppressed – Partially confidential
30a	Name suppressed – Partially confidential
31	Mrs Margaret-Ann Cook
32	Ms Heather Meldrum
33	Mr John Shobbrook – Partially confidential
33a	Mr John Shobbrook
34	Mr Chris Commins
35	Confidential
36	Mr Michael Bowman
37	Mr Warren Kimber
38	Mr Rod Young – Partially confidential
38a	Confidential
39	Mrs Juleen Young
40	Volunteer Fire Fighters Association
41	Mr Anthony Ellis – Partially confidential
42	Dr Christine Finlay
43	Confidential
44	NSW Government
45	The Australian National University – Partially confidential
46	Rural Fire Service Association NSW Inc. – Partially confidential
47	Mr Phil Henley
48	Mr Tony Webb
49	The Meldrum-Poulton Family – Partially confidential
50	Mr Jason Lawrence – Partially confidential

No	Author
51	Mr James Cameron
52	Name suppressed – Partially confidential
53	Mr Ron Nash – Partially confidential
54	Mr Adam Clarke – Partially confidential
55	Mr Andrew Young
56	Mr Richard Stringer

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Thursday 4 September 2014 Coonabarabran Town Hall Coonabarabran	Cr Peter Shinton	Mayor, Warrumbungle Shire Council
	Mr Steve Loane	General Manager, Warrumbungle Shire Council
	Cr Doug Batten	Mayor, Gilgandra Shire Council
	Mr Ash Walker	Acting Manager, Gilgandra Shire Council
	Mr Stephen Lill	Co-Chairman, Coonabarabran Property Owners Alliance
	Mr Procter Morris	Secretary, Coonabarabran Property Owners Alliance
	Mrs Leonie Tuckwell	Records Director, Coonabarabran Property Owners Alliance
	Mr John Ward	Technical Director, Coonabarabran Property Owners Alliance
	Mr Rod Young	Representative, Warrumbungle Fire Action Group
	Mr Peter Hellyer	Representative, Warrumbungle Fire Action Group
	Mr Michael Bowman	Representative, Warrumbungle Fire Action Group
	Mr Phil Henley	Representative, Warrumbungle Fire Action Group
	Mrs Christine Allard	Director, Facilities & Services Division, Australian National University
	Ms Sarah O'Callaghan	Acting Site Manager, Australian National University
	Mr Mark Pritchard	Fire Officer, Australian National University
	Mr Peter Verwayen	Technical Officer, Australian National University
	Mr Lawrence Dawson	Individual
	Mr John Thring	Individual

Date	Name	Position and Organisation
Monday 15 September 2014 Macquarie Room Parliament House	Mr Rob Rogers AFSM	Deputy Commissioner, NSW Rural Fire Service
	Mr Vic Jurskis	Individual
	Mr Peter Cannon	President, Volunteer Fire Fighters Association
	Mr Brian Williams	Vice President, Volunteer Fire Fighters Association
	Mr Terry Bailey	Chief Executive, Office of Environment and Heritage
	Mr Michael Wright	Acting Deputy Chief Executive, National Parks and Wildlife Service
	Ms Naomi Stephens	Acting Director, Park Conservation and Heritage Branch, National Parks and Wildlife Service
Mr Mark Peacock	Director Western Branch, National Parks and Wildlife Service	

Appendix 3 Participants at the public forum

Date	Name
Wednesday 3 September 2014	Mr Geoff Pike
Coonabarabran Town Hall	Ms Kim Noonan
Coonabarabran	Mr Llewelyn Selmes
	Mr Tony Webb
	Mr Keith Lambell
	Ms Carolyn Lyons OAM
	Mr John Shobbrook
	Mr Philip Henley
	Mr Sullivan
	Ms Margaret Cook
	Ms Fiona Selmes
	Mr Proctor Morris
	Mr Richard Stringer
	Mr Steve McCoy
	Mr Starr
	Mr Tony Morse

Appendix 4 Tabled documents

Wednesday 3 September 2014

Coonabarabran Town Hall, Coonabarabran

- 1 Map showing properties and assets lost to or damaged by the fire, tendered by Mr Tuckwell
- 2 'Council's asbestos plan forms state benchmark', *Coonabarabran Times*, 1 August 2013, and photographs (redacted), tendered by Ms Meldrum
- 3 Brief description of the property named 'Glenmore', tendered by Mr Lill
- 4 Photographs (redacted), tendered by Mr Llewelyn Selmes.
- 5 Various opening statements.

Thursday 4 September 2014

Coonabarabran Town Hall, Coonabarabran

- 6 Photographs – with a short description of the photographs redacted, an untitled map, and a Rural Fire Service aerial map of Mt Cenn Cruaich, tendered by Mr Young
- 7 Castlereagh Zone Bush Fire Management Committee, 2004-2008 Siding Spring Site Protection Plan and a Site plan of proposed tree clearing area for fire hazard reduction at the Siding Spring Observatory, tendered by Mr Pritchard
- 8 Photographs – redacted, a map of Warrumbungle National Park, a Google earth map of the Warrumbungle area and a paper entitled 'Why the Pilliga Forest needs a different type of environmental management than that available under a National Park regime', by Ted Hayman, tendered by Mr Thring.

Monday 15 September 2014

Macquarie Room, Parliament House, Sydney

- 9 *The Volunteer Fire Fighter*, Winter 2014, Volume 6, No. 1, tendered by Mr Cannon
- 10 Document titled 'The Fire Triangle', tendered by Mr Williams
- 11 Email, tendered by Mr Cannon
- 12 List tendered by Mr Williams.

Appendix 5 Answers to questions on notice

The Committee received answers to questions on notice from:

- Volunteer Fire Fighters Association
- Office of Environment and Heritage
- Warrumbungle Shire Council
- NSW Rural Fire Service
- Australian National University
- Coonabarabran Property Owners Alliance

Appendix 6 *Rural Fires Act 1997* Section 44

Part 3 Division 1 – Coordination of bush fire fighting by Commissioner

Section 44 Commissioner's responsibility

(1) The Commissioner is to take charge of bush fire fighting operations and bush fire prevention measures and to take such measures as the Commissioner considers necessary to control or suppress any bush fire in any part of the State if, in the opinion of the Commissioner:

(a) a bush fire has assumed or is likely to assume such proportions as to be incapable of control or suppression by the fire fighting authority or authorities in whose area or locality it is burning, or

(b) the prevailing conditions are conducive to the outbreak of a bush fire likely to assume such proportions, or

(c) a bush fire is not being effectively controlled or suppressed by the fire fighting authority or authorities in whose area or locality it is burning, or

(d) a bush fire is burning in a place that is not the responsibility of any fire fighting authority.

(2) The Commissioner may delegate the Commissioner's functions under this Division (other than this power of delegation) to an officer or member of a rural fire brigade, an officer or member of Fire and Rescue NSW, a member of staff of the Department of Industry and Investment, a member of staff of the Department of Environment, Climate Change and Water or any other person.

(3) The Commissioner is not subject to the control and direction of the Bush Fire Co-ordinating Committee in exercising the Commissioner's functions under this Division but must, in exercising those functions, take into consideration any relevant bush fire management plan and, in the case of managed land, any relevant plan of the authority responsible for the managed land of which the Commissioner is aware.

Appendix 7 Minutes

Minutes no. 54

Thursday 14 November 2013

General Purpose Standing Committee No. 5

Members' Lounge, Parliament House, Sydney at 1:10 pm

1. Members present

Mr Brown, *Chair*

Mr Buckingham, *Deputy Chair*

Mr Colless

Mr Donnelly

Mr MacDonald

Dr Phelps

Mr Primrose

2. Previous minutes

Resolved, on the motion of Mr Colless: That Draft Minutes No. 53 be confirmed.

3. Proposed inquiry into the Wambelong fire

The Chair tabled a letter to the Committee Clerk signed by Mr Brown, Mr Colless and Mr MacDonald requesting a meeting of the Committee to consider the following terms of reference for an inquiry into the Wambelong fire:

That General Purpose Standing Committee No. 5 inquire into and report on the causes and management of the Wambelong fire within and adjacent to the Warrumbungle National Park, in January 2013, and in particular:

1. The Bush Fire Management Plan objectives for the affected area
2. The activities of National Parks and Wildlife Service (NPWS) officers in the National Park in the week preceding the fire
3. The significance of a small fire in a camping area within the National Park, and actions taken by NPWS before the declaration of the fire under section 44 of the Rural Fires Act 1997
4. Actions taken by NPWS following the ensuing conflagration and timing of the section 44 declaration
5. The extent of property damage within and adjacent to the fire
6. The details and effectiveness of NPWS restoration plans for the National Park and private infrastructure, including the timeliness of communication and assistance offered by NPWS to affected private property owners
7. The details and effectiveness of dispute resolution processes with respect to restitution of private property infrastructure damaged as a result of the fire
8. Any other related matter.

The Committee discussed the possible timeline of the Coronial investigation into the fire.

Resolved, on the motion of Dr Phelps: That the terms of reference as drafted be adopted.

Resolved, on the motion of Dr Phelps:

- That advertisements calling for submissions be placed in *The Land* and *Coonabarabran Times*, and that a media release advertising the Inquiry be distributed to all media outlets in the State

- That the closing date for submissions be Friday 31 January 2014
- That the Secretariat email members with a list of stakeholders to be invited to make written submissions, and that members be invited to nominate additional stakeholders
- That the Committee conduct a two or three day site visit and public hearing in Coonabarabran in late February/early March, followed by a public hearing in Sydney, and the dates be determined by the Chair after consultation with members regarding their availability
- That the Committee authorise the publication of all submissions to the Inquiry into the Wambelong fire, subject to the Committee Clerk checking for confidentiality, adverse mention and other issues.

The Chair indicated a potential reporting date of June, prior to the winter break.

4. **Adjournment**

The Committee adjourned at 1:15 pm *sine die*.

Madeleine Foley

Clerk to the Committee

Minutes no. 55

Thursday 13 February 2014

General Purpose Standing Committee No. 5

Meeting Room 1043, Parliament House, Sydney at 10:48 am

1. **Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Dr Faruqi (Mr Buckingham)

Mr Donnelly

Mr MacDonald

Dr Phelps

Ms Voltz (Mr Primrose)

2. **Substitutions**

The Chair advised that Ms Voltz would be substituting for Mr Primrose for the duration of the Inquiry into the Wambelong fire.

The Chair advised that Dr Faruqi would be substituting for Mr Buckingham for the duration of the Inquiry into the Wambelong fire.

3. **Electronic participation**

The Chair advised that Ms Voltz, Mr Colless and Dr Phelps would be participating via teleconference.

4. **Election of Deputy Chair for the inquiry into Wambelong fire**

The Chair called for nominations for Deputy Chair for the inquiry into Wambelong fire.

Mr MacDonald moved: That Mr Colless be elected Deputy Chair of the Committee for the inquiry into Wambelong fire.

There being no further nominations, the Chair declared Mr Colless Deputy Chair for the inquiry into Wambelong fire.

5. Previous minutes

Resolved, on the motion of Mr Donnelly: That Draft Minutes No. 54 be confirmed.

6. Correspondence

The Committee noted the following items of correspondence received:

Received

- 27 November 2013 – Email from Hon Amanda Fazio MLC to Secretariat, advising that Hon Lynda Voltz MLC will be substituting for Hon Peter Primrose MLC for the duration of the Inquiry into the Wambelong fire.
- 10 December 2013 – Email from Hon Jeremy Buckingham MLC to Secretariat, advising that Dr Mehreen Faruqi MLC will be substituting for him for the duration of the Inquiry into the Wambelong fire.
- 5 December 2013 – Letter from Mr Nick Roberts, Chief Executive Officer, Forestry Corporation of NSW, declining the invitation to provide a submission as they had no involvement prior to the Section 44 declaration or after the fire had been controlled.
- 12 December 2013 – Email from Ms Benish Haider, Solicitor, Justice Legal, NSW Department of Attorney General and Justice to Principal Council Officer, regarding Coronial Inquiry into the Wambelong fire advising that His Honour A/State Coroner Magistrate Dillon has instructed the case solicitor to cease preparation of the matter to await the outcome of the Committee's hearings.
- 20 December, 2013 – Letter from Ms Suzanne Jones, Chair, National Parks and Wildlife Advisory Council to Chair, declining the opportunity to make a submission.
- 30 January 2014 – Email from A/Deputy Commissioner Mark Morrow, NSW State Emergency Service to Chair, declining the invitation to provide a submission.
- 1 February 2014 – Letter from Minister Gallacher and Minister Parker to Chair, requesting the Inquiry into the Wambelong Fire take place after the coronial inquest.
- 5 February 2014 – Letter from Premier O'Farrell to Chair, presenting the NSW Government submission to the Wambelong Fire Inquiry and discussing the possible implications for the coronial inquest.
- 12 February 2014 – Letter from Ms Benish Haider, Solicitor, Justice Legal, NSW Department of Attorney General and Justice to Principal Council Officer, regarding Coronial Inquiry into the Wambelong fire confirming that His Honour A/State Coroner Magistrate Dillon has instructed the case solicitor to cease preparation of the matter to await the outcome of the Committee's hearings.

7. Inquiry into the Wambelong fire**7.1 Correspondence from the Premier and Ministers**

Resolved, on the motion of Mr MacDonald:

- That the Committee postpone the public hearings of its Inquiry.
- That the Chair write to the Coroner to request an indicative timeline for the conclusion of the Coronial investigation into the Wambelong fire.
- That the Chair write to the Premier, Minister Parker and Minister Gallacher advising that the Inquiry has been postponed pending further advice from the Office of the State Coroner regarding the timeline of the Coronial Inquiry.

7.2 NSW Government submission

Resolved, on the motion of Dr Phelps:

- That the Government submission remain confidential
- That all submissions received for the Wambelong fire inquiry remain confidential,
- That submissions published on the website be removed pending the response from the Coroner timeline.

Mr MacDonald left the meeting.

7.3 Site visit to Coonabarabran – 10-11 March 2014

Resolved, on the motion of Mr Colless: That the Committee postpone the two day site visit to Coonabarabran and that the Chair announce this, and the reason why, in a press release.

7.4 Public hearing in Sydney – 24 March 2014

Resolved, on the motion of Ms Voltz: That the Committee postpone the public hearing due to be held in Sydney in March.

8. Adjournment

The Committee adjourned at 11:16 am *sine die*.

Stewart Smith

Clerk to the Committee

Minutes no. 56

Wednesday 19 March 2014

General Purpose Standing Committee No. 5

Members' lounge, Parliament House, Sydney at 2.10 pm

1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Mr Donnelly

Dr Faruqi

Mr MacDonald

Dr Phelps

Ms Voltz

2. Previous minutes

Resolved, on the motion of Dr Phelps: That Draft Minutes No. 55 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Received

- 7 March 2014 – Ms Benish Haider, Solicitor, Justice Legal, NSW Attorney General and Justice to Director, General Purpose Standing Committee No. 5 - advising that the Coronial Inquiry into the Wambelong fire has been listed for 18 August to 29 August 2014
- 11 March 2014 – His Honour Magistrate Barnes, State Coroner, to Committee Chair - advising Coronial inquiry now listed for 19 to 29 August 2014.

Sent

- 13 February 2014 - Chair to Premier O'Farrell - expressing thanks for NSW Government submission and advising that the committee inquiry has been postponed
- 13 February 2014 - Chair to Minister Parker - advising that the committee inquiry has been postponed
- 13 February 2014 - Chair to Minister Gallacher - advising that the committee inquiry has been postponed
- 14 February 2014 - Chair to The Hon. Deputy State Coroner Magistrate Dillon - requesting advice regarding the Coronial inquiry timeline.

4. Inquiry into the Wambelong fire

4.1 Inquiry timeline

The Committee received advice from the Office of the State Coroner that hearings for the coronial inquiry into the Wambelong fire will be taking place on 18 – 29 August 2014.

Resolved, on the motion of Ms Voltz: That the Committee approve the proposed Inquiry timeline.

Site Visit Coonabarabran Wednesday 3 September and Thursday 4th September

Sydney Hearing Monday 15th September

Report Deliberative Monday 17th November

Tabling Date Friday 21 November.

Resolved, on the motion of Mr Colless: That the Chair issue a media release on behalf of the Committee advertising the new inquiry timeline.

4.2 Submissions

The Committee resolved to publish the public and partially confidential submissions for the Inquiry into the Wambelong fire.

4.3 Public

Resolved, on the motion of Dr Phelps: That the Committee authorise the publication of Submissions No. 2, 3, 6, 7, 10, 12, 13, 14, 14a, 14b, 14c, 14d, 14e, 15, 16, 21, 23, 27, 28, 29, 31, 32, 34, 36, 37, 39 and 42.

4.4 Partially confidential

Resolved, on the motion of Mr Donnelly: That the Committee authorise the publication of Submissions No. 1, 4, 5, 8, 9, 11, 14f, 14g, 18, 19, 20, 22, 24, 25, 26, 30, 33, 38, 41 and 45 with the exception of the name and/or other identifying details of the authors, which are to remain confidential.

5. Adjournment

The Committee adjourned at 2.25 pm *sine die*.

Stewart Smith

Clerk to the Committee

Minutes no. 57

Thursday 19 June 2014

General Purpose Standing Committee No. 5

Members' Lounge, Parliament House, 1.18 pm

1. Members present

Mr Brown, *Chair*

Mr Buckingham, *Deputy Chair*

Mr Colless

Mr Donnelly

Mr MacDonald

Dr Phelps

Mr Primrose

2. Previous minutes

Resolved, on the motion of Dr Phelps: That draft minutes no. 56 be confirmed.

3. Correspondence

The Chair noted the following correspondence received:

- 17 March 2014 – Dr Christine Finlay to Chair – providing additional information regarding Wambelong fire inquiry.

Resolved on the motion of Mr Colless: That correspondence from Dr Christine Finlay dated 17 March 2014 be kept confidential at the request of the author.

4. *****5. Adjournment**

The Committee adjourned at 1.25 pm until 1.50 pm on Monday 18 August 2014, in Room 814/815 (*Natural Resources, Land and Water, Western NSW*).

Stewart Smith
Clerk to the Committee

Minutes no. 63

Wednesday 3 September 2014
General Purpose Standing Committee No. 5
General Aviation Terminal, Bankstown Airport, at 6.50 am

1. Members present

Mr Brown, *Chair*
Mr Colless, *Deputy Chair*
Mr Donnelly
Dr Faruqi
Mr MacDonald
Dr Phelps
Ms Voltz

2. Previous minutes

Resolved, on the motion of Mr MacDonald: That draft minutes nos 59, 60, 61 and 62 be confirmed.

3. Inquiry into the Wambelong fire**3.1 Correspondence**

The Committee noted the following items of correspondence:

Received

- 11 August 2014 – From Ms Benish Haider, Solicitor, Justice Legal, NSW Department of Justice, to committee director, confirming that the coronial inquiry into the Wambelong fire will commence on 25 August 2014
- 20 August 2014 – From an individual to the committee, requesting a meeting with the committee.

Resolved, on the motion of Ms Voltz: That the correspondence received on 20 August 2014 be kept confidential.

3.2 Coronial inquiry into the Wambelong fire – Transcripts

Resolved, on the motion of Mr MacDonald: That the committee write to the Coroner's office to request access to the transcripts from the coronial inquiry into the Wambelong fire.

3.3 Submissions

Public

Resolved, on the motion of Mr Donnelly: That the committee note that submission nos 33a, 47 and 48 were published by the committee clerk, subject to checking for confidentiality, adverse mention and other issues, under the authorisation of an earlier resolution.

Partially confidential

Resolved, on the motion of Dr Phelps: That the committee publish submission no. 46, with the exception of the names and/or other identifying details of third parties, which are to remain confidential.

Confidential

Resolved, on the motion of Mr Colless: That the committee keep submission nos 17, 35, 38a and 43 confidential, at the request of the submission authors.

Submission no. 44 – NSW Government

Mr Donnelly moved: That the committee publish submission no. 44.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Noes: Dr Faruqi.

Question resolved in the affirmative.

Submission no. 40 – Volunteer Fire Fighters Association

Resolved, on the motion of Mr MacDonald: That the committee publish submission no. 40 on the morning of 15 September 2014.

3.4 Questions on notice and supplementary questions

Resolved, on the motion of Mr Colless: That for the duration of the inquiry:

- supplementary questions be lodged with the secretariat up to two days following the receipt of the hearing transcript
- witnesses be requested to return answers to questions on notice and supplementary questions within 21 days of the date on which questions are forwarded to the witness.

3.5 Conduct of the public forum

Resolved, on the motion of Mr MacDonald: That the committee adopt the following guidelines for the conduct of the public forum:

- Each forum participant be allocated five minutes to speak, with a bell to be rung at four minutes to indicate that their time has nearly expired and a final bell to be rung at five minutes.
- If a forum participant is unable to finish their speech in their allotted time, they may request that remaining notes for their speech, if any, be incorporated into Hansard.
- Participants will not be sworn, but their evidence will be protected by parliamentary privilege as they will be participating in a properly constituted parliamentary proceeding.
- Members will not ask questions of participants as the forum is an opportunity for as many people as possible to speak.

3.6 Site visit – Coonabarabran

The committee travelled to Coonabarabran to receive a briefing from the NSW National Parks and Wildlife Service and inspect local properties affected by the Wambelong fire.

The Committee arrived at the Siding Spring Observatory, Warrumbungle National Park, and met with the following representatives from the National Parks and Wildlife Service:

- Mr Mark Peacock, Director Western Branch
- Mr Robert Smith, Regional Manager Northern Plains

- Mr Mark Fosdick, Area Manager Coonabarabran
- Mr Merv Starr, Senior Field Supervisor Coonabarabran.

Ms Sarah O'Callaghan, Acting Site Manager, Australian National University, joined the meeting and briefed the committee on damage to observatory property.

Ms O'Callaghan left the meeting.

The committee conducted a tour of the Warrumbungle National Park, accompanied by Mr Peacock, Mr Smith, Mr Fosdick and Mr Starr. The sites visited included:

- Woorut Trig Point, Siding Spring Observatory
- Wambelong campground
- location of the back burn on Sunday 13 January 2014
- location where the fire jumped John Renshaw Parkway
- former Visitor Centre.

The committee left the Warrumbungle National Park.

The committee met the following representatives of the Coonabarabran Property Owners Alliance:

- Mr Stephen Lill, Co-Chairman
- Mr Procter Morris, Secretary
- Mr Ross Tuckwell, Member
- Mrs Leonie Tuckwell, Records Director
- Mrs Elaine Lill, Member
- Mrs Jeanette Kanonczuk, Member
- Mr Matthew Kanonczuk, Member.

The Committee then inspected local properties affected by the Wambelong fire, during which it also met the following property owners:

- Ms Heather Meldrum
- Mr Lee Poulton.

The committee received the following documents during the inspections:

- map showing properties and assets lost to or damaged by the fire, tendered by Mr Tuckwell
- photographs tendered by Ms Meldrum
- 'Council's asbestos plan forms state benchmark', *Coonabarabran Times*, 1 August 2013, tendered by Ms Meldrum.
- brief description of the property named 'Glenmore', tendered by Mr Lill.

Resolved, on the motion of Ms Voltz: That the committee reopen submissions until 18 September 2014.

The committee travelled to the Coonabarabran Town Hall for the public forum.

3.7 Public forum

Forum participants, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters related to the public forum.

The following participants addressed the committee:

- Mr Geoff Pike
- Ms Kim Noonan
- Mr Llewelyn Selmes
- Mr Tony Webb
- Mr Keith Lambell
- Ms Carolyn Lyons OAM

- Mr John Shobbrook
- Mr Philip Henley
- Mr Ron Sullivan
- Ms Margaret Cook
- Ms Fiona Selmes
- Mr Procter Morris
- Mr Richard Stringer
- Mr Steve McCoy
- Mr Peter Starr
- Mr Tony Morse.

Mr Llewelyn Selmes tendered photographs taken after the fire.

The evidence concluded and the speakers withdrew.

The public forum concluded at 7.00 pm. The public and media withdrew.

4. **Adjournment**

The Committee adjourned at 7.00 pm until 8.45 am, Thursday 4 September 2014.

Merrin Thompson

Clerk to the Committee

Minutes no. 64

Thursday, 4 September 2014

General Purpose Standing Committee No. 5

Coonabarabran Town Hall, Coonabarabran, at 8.45 am

1. **Members present**

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Mr Donnelly

Dr Faruqi

Mr MacDonald

Dr Phelps

Ms Voltz

2. **Inquiry into the Wambelong fire**

2.1 Public hearing

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters related to the public forum.

The following witnesses were sworn and examined:

- Clr Peter Shinton, Mayor, Warrumbungle Shire Council
- Mr Steve Loane, General Manager, Warrumbungle Shire Council
- Clr Doug Batten, Mayor, Gilgandra Shire Council
- Mr Ash Walker, Deputy Mayor, Gilgandra Shire Council.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Coonabarabran Property Owners Alliance were sworn and examined:

- Mr Stephen Lill, Co-Chairman
- Mr Procter Morris, Secretary
- Mrs Leonie Tuckwell, Records Director
- Mr John Ward, Technical Director.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Warrumbungle Fire Action Group were sworn and examined:

- Mr Rod Young
- Mr Peter Hellyer
- Mr Michael Bowman
- Mr Phil Henley.

Mr Young tendered the following documents:

- photographs
- short description of the photographs
- Rural Fire Service aerial map of Mt Cenn Cruaich
- map.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Australian National University were sworn and examined:

- Mrs Christine Allard, Director, Facilities and Services Division
- Ms Sarah O'Callaghan, Acting Site Manager, Siding Spring Observatory
- Mr Mark Pritchard, Fire Officer, Siding Spring Observatory
- Mr Peter Verwayen, Technical Officer, Siding Spring Observatory.

Mr Pritchard tendered the following documents:

- Castlereagh Zone Bush Fire Management Committee, 2004-2008 Siding Spring Site Protection Plan
- site plan of proposed tree clearing area for fire hazard reduction at the Siding Spring Observatory.

The evidence concluded and the witnesses withdrew.

Mr Lawrence Dawson was sworn and examined:

The evidence concluded and Mr Dawson withdrew.

Mr John Thring was sworn and examined:

Mr Thring tendered the following documents:

- map of Warrumbungle National Park
- google earth map of the Warrumbungle area
- photographs
- paper entitled 'Why the Pilliga Forest needs a different type of environmental management than that available under a National Park regime', by Ted Hayman.

The evidence concluded and the witness withdrew.

The public hearing concluded.

The public and the media withdrew.

2.2 *In camera* hearing

Resolved, on the motion of Mr Colless: That the committee proceed to take evidence from the following witnesses *in camera*:

- Mr Rod Young
- Mr Peter Hellyer
- Mr Michael Bowman

- Mr Phil Henley.

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Mr Stewart Smith, Ms Merrin Thompson, Ms Shu-Fang Wei, Ms Sarah Dunn and Hansard reporters.

The evidence concluded and the witnesses withdrew.

The *in camera* hearing concluded at 2.30 pm.

2.3 Tended documents

Resolved, on the motion of Ms Voltz: That the committee accept and publish the following documents tendered during the site visit, public forum and public hearing:

- map showing properties and assets lost to or damaged by the fire, tendered by Mr Tuckwell
- ‘Council’s asbestos plan forms state benchmark’, Coonabarabran Times, 1 August 2013, tendered by Ms Meldrum
- brief description of the property named ‘Glenmore’, tendered by Mr Lill
- photographs, tendered by Mr Young
- Rural Fire Service aerial map of Mt Cenn Cruaich, tendered by Mr Young
- map, tendered by Mr Young
- Castlereagh Zone Bush Fire Management Committee, 2004-2008 Siding Spring Site Protection Plan, tendered by Mr Pritchard
- site plan of proposed tree clearing area for fire hazard reduction at the Siding Spring Observatory, tendered by Mr Pritchard
- paper entitled ‘Why the Pilliga Forest needs a different type of environmental management than that available under a National Park regime’, by Ted Hayman, tendered by Mr Thring
- map of Warrumbungle National Park, tendered by Mr Thring
- google earth map of the Warrumbungle area, tendered by Mr Thring
- photographs, tendered by Mr Thring.

Resolved, on the motion of Ms Voltz: That the committee accept and publish the following documents tendered during the site visit, public forum and public hearing, with the exception of identifying details of third parties, which are to remain confidential:

- photographs, tendered by Ms Meldrum
- photographs, tendered by Mr Selmes
- short description of photographs, tendered by Mr Young.

3. Adjournment

The Committee adjourned at 3.45 pm until 8.45 am, Monday 15 September 2014 (*inquiry into the Wambelong fire – public hearing*).

Merrin Thompson
Clerk to the Committee

Minutes no. 65

Monday 15 September 2014
 General Purpose Standing Committee No. 5
 Macquarie Room, Parliament House, Sydney, at 10.00 am

1. Members present

Mr Brown, *Chair*
 Mr Colless, *Deputy Chair*
 Mr Donnelly
 Dr Faruqi
 Mr MacDonald
 Dr Phelps
 Ms Voltz

2. Confirmation of draft minutes

Resolved, on the motion of Dr Phelps: That draft minutes nos 63 and 64 be confirmed.

3. Correspondence***Received***

- ***
- 11 September 2014 – From Hon Stuart Ayres MP, Minister for Police and Emergency Services, to committee chair, informing the committee of the new coronial inquiry hearing dates

4. *****5. Inquiry into the Wambelong fire****5.1 Submissions****Public**

The committee noted that submission no. 20a was published by the committee clerk under the authorisation of an earlier resolution.

Partially confidential

Resolved, on the motion of Ms Voltz: That the committee authorise the publication of submission nos 14h and 49 with the exception of the name and/or other identifying details of a third party, which are to remain confidential.

Confidential

Resolved, on the motion of Dr Faruqi: That the Committee keep submission nos 14i and 17a confidential, at the request of the submission authors.

5.2 Public hearing

Witnesses, the public and the media were admitted.

The chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr Vic Jurskis, retired silviculturist.

The evidence concluded and the witness withdrew.

The following witnesses from the Volunteer Fire Fighters Association were sworn and examined:

- Mr Peter Cannon, President
- Mr Brian Williams, Vice President.

The public evidence concluded.

The public and the media withdrew.

5.3 *In camera* hearing

Resolved, on the motion of Mr Donnelly: That the committee proceed to take evidence from the following witnesses *in camera*:

- Mr Peter Cannon
- Mr Brian Williams.

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Mr Stewart Smith, Ms Merrin Thompson, Ms Shu-Fang Wei, Ms Sarah Dunn, Mrs Lynn Race, and Hansard reporters.

Mr Cannon tendered the following document:

- *The Volunteer Fire Fighter*, Winter 2014, Volume 6, No. 1.

Mr Cannon tendered the following document and requested that it be kept confidential:

- email.

Mr Williams tendered the following document:

- document titled 'The Fire Triangle'.

Mr Williams tendered the following document and requested that it be kept confidential:

- list.

The *in camera* hearing concluded.

The evidence concluded and the witnesses withdrew.

5.4 Public hearing

Witnesses, the media and the public were re-admitted.

The following witnesses were sworn and examined:

- Mr Terry Bailey, Chief Executive, Office of Environment and Heritage
- Mr Michael Wright, Acting Deputy Chief Executive, National Parks and Wildlife Service
- Ms Naomi Stephens, Acting Director, Park Conservation and Heritage Branch, National Parks and Wildlife Service
- Mr Mark Peacock, Director Western Branch, National Parks and Wildlife Service.

The evidence concluded and the witnesses withdrew.

The following witness from the NSW Rural Fire Service was sworn and examined:

- Mr Rob Rogers AFSM, Deputy Commissioner.

The evidence concluded and the witness withdrew.

The public hearing concluded.

The public and the media withdrew.

5.5 Tended documents

Resolved, on the motion of Mr Colless: That the committee accept and publish the following documents tendered during the public and *in camera* hearings:

- *The Volunteer Fire Fighter*, Winter 2014, Volume 6, No. 1, tendered by Mr Cannon
- document titled 'The Fire Triangle', tendered by Mr Williams.

Resolved, on the motion of Dr Phelps: That the committee accept the following documents tendered during the *in camera* hearing and that those documents remain confidential:

- email, tendered by Mr Cannon

- list, tendered by Mr Wilson.

5.6 Postponement of deliberative and tabling dates

Resolved, on the motion of Ms Voltz: That the committee postpone the deliberative date for the Wambelong fire report to Monday 16 February 2015, with the report to be tabled by Friday 20 February 2015, subject to checking members' diaries, to accommodate the receipt of the coronial inquiry transcripts.

6. Adjournment

The Committee adjourned at 3.40 pm until 9.30 am, Wednesday 17 September 2014 (*inquiry into the performance of the NSW Environment Protection Authority – deliberative meeting*).

Merrin Thompson
Clerk to the Committee

Minutes no. 66

Wednesday 17 September 2014
General Purpose Standing Committee No. 5
Room 1153, Parliament House, Sydney, at 9.30 am

1. Members present

Mr Brown, *Chair*
Mr MacDonald, *Deputy Chair*
Mr Colless
Mr Donnelly
Dr Faruqi
Mr Foley (from 9.35 am)
Dr Phelps

2. ***

3. Confirmation of draft minutes

Resolved, on the motion of Dr Phelps: That draft minutes no. 65 be confirmed.

Mr Foley joined the meeting.

4. ***

5. ***

6. Adjournment

The Committee adjourned at 10.25 am until 9.00 am, Monday 13 October 2014 (*inquiry into the performance of the NSW Environment Protection Authority – public hearing*).

Jenelle Moore
Clerk to the Committee

Minutes No. 67

Monday 13 October 2014

General Purpose Standing Committee No. 5

Macquarie Room, Parliament House, Sydney, at 8.50 am

1. Members presentMr Brown, *Chair*Mr MacDonald, *Deputy Chair*

Mr Colless

Mr Donnelly

Dr Faruqi

Dr Phelps

2. Apologies

Mr Foley

3. Draft minutes

Resolved, on the motion of Dr Phelps: That draft minutes no. 66 be agreed to.

4. Correspondence***Received***

- 16 September 2014 – From Mr Ron Sullivan to the committee chair, providing information regarding the equipment required for fighting bush fires

- ***

Sent

- 17 September 2014 – From committee chair to Mr Stephen Lill, Co-Chair, Coonabarabran Property Owners Alliance, thanking the organisation for assisting the committee during their visit to Coonabarabran
- 17 September 2014 – From committee chair to Mr Mark Peacock, Director Western Branch, National Parks and Wildlife Service, thanking the organisation for assisting the committee during their visit to Coonabarabran.

5. Inquiry into the Wambelong fire**5.1 Public Submissions**

The committee noted that the following submissions were published by the committee clerk under the authorisation of an earlier resolution: submission nos 1a, 11a, 20a, 20b, 51, 54, 55 and 56.

5.2 Partially confidential

Resolved, on the motion of Dr Phelps:

- That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 30a and 52.
- That the committee keep the following information confidential, as per the recommendation of the secretariat: names and/or identifying and sensitive information in submissions nos 50 and 53.

5.3 Confidential submission

Resolved, on the motion of Mr Macdonald: That the committee keep submission no. 17a confidential, at the request of the submission author.

5.4 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of an earlier resolution:

- answers to questions on notice and supplementary questions from Mr Stephen Lill, Co-Chairman, Coonabarabran Property Owners Alliance, received 18 September 2014.

6. ***

7. ***

Jenelle Moore
Clerk to the Committee

Draft minutes no. 73

Monday 16 February 2015

General Purpose Standing Committee No. 5

Room 1254, Parliament House, Sydney at 1.03 pm

1. Members present

Mr Brown, *Chair*

Mr Colless, *Deputy Chair*

Mr Donnelly

Dr Faruqi

Mr MacDonald

Dr Phelps

Ms Voltz

2. Previous minutes

Resolved, on the motion of Mr Colless: That draft minutes no. 72 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 16 September 2014 – From Mr Ron Sullivan to the committee regarding matters raised at the public forum on 3 September 2014
- 17 September 2014 – From Warrumbungle Fire Action Group to the secretariat clarifying evidence in the *in camera* transcript from 4 September 2014 hearing
- 26 September 2014 – From NSW Rural Fire Service to the secretariat, requesting an extension for answers to questions on notice from 18 September hearing
- 27 November 2014 – From Dr Christine Finlay to the Chair providing information on the prevention of bush fires
- 20 January 2015 – From Ms Benish Haider, Solicitor, Justice Legal, NSW Department of Attorney General and Justice to Principal Council Officer, regarding the committee's request for access to documents from the coronial inquiry into the Wambelong fire
- 2 February 2025 – From Mr Geoff Hamilton to the Chair regarding hazard reduction.

Sent:

- 16 September 2015 – From the Director to Ms Benish Haider, Solicitor, Justice Legal, NSW Department of Attorney General and Justice, requesting access to documents from the coronial inquiry into the Wambelong fire
- 16 September 2014 – From the Chair to Mr Mark Peacock, Director Western Branch, National Parks and Wildlife Service, thanking NPWS staff for assisting the committee during its visit to Coonabarabran

- 16 September 2014 – From the Chair to Mr Stephen Lill, Co-Chairman, Coonabarabran Property Owners Alliance, thanking Alliance members for assisting the committee during its visit to Coonabarabran.

Resolved on the motion of Dr Phelps:

- That the committee authorise the publication of correspondence from Mr Ron Sullivan regarding matters raised at the public forum, dated 16 September 2014, with the exception of identifying and/or sensitive information as per the recommendation of the secretariat.
- That the committee keep the correspondence from the Warrumbungle Fire Action Group clarifying evidence in the *in camera* transcript from 4 September 2014 hearing confidential, as per the request of the author, as it contains identifying and/or sensitive information.

4. Inquiry into the Wambelong fire

4.1 Public submissions

The following submissions were published by the committee clerk under the authorisation of an earlier resolution: nos 1a, 11a, 14h, 20b, 30a.

4.2 Confidential submissions

Resolved on the motion of Dr Phelps: That the committee keep submission nos 14i and 17a confidential, as per the request of the authors.

4.3 Attachments to submissions

Resolved on the motion of Mr Colless:

- That all attachments to submissions received during the inquiry remain confidential, unless otherwise published by the committee.
- That the committee authorise the publication all attachments to submission no. 44.

4.4 Answers to questions on notice and supplementary questions

Public

The following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of an earlier resolution:

- Answers to questions on notice, Volunteer Fire Fighters Association, received 10 October 2014, pages 1-25
- Answers to questions on notice, Office of Environment and Heritage, received 8 October 2014
- Answers to questions on notice, Office of Environment and Heritage, attachments A to E, received 8 October 2014
- Answers to supplementary questions, Office of Environment and Heritage, received 8 October 2014
- Answers to supplementary questions, Office of Environment and Heritage, attachments A to E, received 8 October 2014
- Answers to questions on notice, Warrumbungle Shire Council, received 2 October 2014
- Answer to supplementary questions, Warrumbungle Shire Council, received 2 October 2014
- Answer to supplementary questions, Volunteer Fire Fighters Association, received 28 October 2014
- Answers to questions on notice, NSW Rural Fire Service, received 31 October 2014
- Answers to supplementary questions, NSW Rural Fire Service, received 31 October 2014
- Answers to supplementary questions, NSW Rural Fire Service, attachments 1-6 and 8, received 31 October 2014
- Answers to questions on notice, Australian National University, received 21 October 2014
- Answers to questions on notice, Australian National University, attachments, received 21 October 2014
- Answers to questions on notice, Coonabarabran Property Owners Alliance, received 18 September 2014.

Partially confidential - Volunteer Fire Fighters Association, received 10 October 2014, pages 26-28
The committee previously resolved by email that the final three pages of the Volunteer Fire Fighters Association answers to questions remain confidential at the request of the authors.

Public - Attachment 7 to answers to supplementary questions, NSW Rural Fire Service, received 31 October 2014

The committee previously resolved by email that attachment 7 to the NSW Rural Fire Service's answers to supplementary questions should be published upon tabling, but not published on the committee's website.

5. Consideration of Chair's draft report

The Chair submitted his draft report entitled *Wambelong fire*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Ms Voltz: That paragraph 1.12 be amended by omitting 'its own' and inserting instead 'its report'.

Resolved, on the motion of Dr Faruqi: That the following new paragraph be inserted after paragraph 2.12:

'Uncontrolled bush fires are a threat to life and property and to ecological sustainability. High intensity bush fires destroy lives, property, livestock and also native fauna and flora.'

Dr Faruqi moved: That the following new paragraphs be inserted after paragraph 2.12:

'The six key findings of the Climate Council of Australia's report (2014) "Be prepared: Climate change and the NSW bush fire threat" clearly point to the increase in extreme fire weather, drier conditions, and an increased frequency and severity of bush fires because of climate change.

Moreover, plans of management for National Parks now recognise that climate change is likely to have impacts on the natural values and infrastructure of national parks. Since 2007, plans of management consider climate change in the following terms:

"Anthropogenic climate change has been listed as a key threatening process under the Threatened Species Conservation Act 1995. Projections of future changes in climate for NSW include higher temperatures, increasing sea levels and water temperatures, more intense but possibly reduced annual average rainfall, increased temperature extremes and higher evaporative demand. These changes are likely to lead to greater intensity and frequency of fires, more severe droughts, reduced river runoff and water availability, regional flooding, increased erosion and ocean acidification.

Climate change may significantly affect biodiversity by changing population size and distribution of species, modifying species composition, and altering the geographical extent of habitats and ecosystems. The potential impact of climate change is difficult to assess since it depends on the compounding effects of other pressures, particularly barriers to migration and pressure from feral animals. Species most at risk are those unable to migrate or adapt, particularly those with small population sizes or with slow growth rates.

Programs to reduce the pressures arising from other threats, such as habitat fragmentation, invasive species, bush fires and pollution, will help reduce the severity of the effects of climate change". [FOOTNOTE: Answers to supplementary questions, Office of Environment and Heritage, 8 October 2014, p 4.]

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Ms Voltz: That the introductory paragraph in chapter 4 be amended by moving the quote to after ‘devastation caused by the Wambelong fire.’

Resolved, on the motion of Mr Colless: That paragraph 4.13 be amended by inserting ‘(*Swainsona* spp.)’ after ‘Darling pea’.

Resolved, on the motion of Ms Voltz: That paragraph 4.62 be amended by inserting ‘, including NPWS staff’ after ‘many community members’.

Mr Colless moved: That the second introductory paragraph in chapter 5 be amended by inserting ‘and forest litter’ after ‘high fuel load of dry wood’.

Ms Voltz moved: That the motion of Mr Colless be amended by omitting ‘forest’ and inserting instead ‘vegetative’.

Amendment of Ms Voltz put and passed.

Original question of Mr Colless, as amended, put and passed.

Dr Faruqi moved: That the following new paragraphs be inserted after paragraph 5.4:

‘The Rural Fire Service has suggested that whilst burning is important, in many circumstances, hand and mechanical clearing can be more effective.

For example, the Rural Fire Service ‘Methods of Fire Reduction’ states:

“Reduction of fuel does not have to be as drastic as removing all vegetation. Environmentally this would be disastrous and often trees and plants can provide you with some bush fire protection from strong winds, intense heat and flying embers.

There are three main methods of hazard reduction:

- hand clearing
- mechanical clearing
- burning.

In many circumstances, hand and mechanical clearing methods should be considered the best way to protect assets. These methods can be safer than burning, and easier to organise and maintain.” [FOOTNOTE: NSW Rural Fire Service, Methods of Hazard Reduction, http://144.140.132.148/dsp_content.cfm?cat_id=1037.]

Question put.

The committee divided.

Ayes: Dr Faruqi

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That the following new section heading and paragraphs be inserted after paragraph 5.20:

‘Other factors creating a fire danger

Bush fires can be triggered in a number of ways and the underlying factors that create fire danger include, temperature, rainfall, wind speed, and condition of the fire “fuel.”

These factors used to calculate the Fire Danger Index (FDI)¹, indicating the daily fire danger and used to provide appropriate warnings to the community.

Many of the factors that contribute to the FDI are being exacerbated by climate change, increasing the average fire danger and the likelihood of major bush fire events.’ [FOOTNOTE: FBEU, Greenpeace, Future risk – the increased risk of catastrophic bush fires due to climate change.]

Question put.

The committee divided.

Ayes: Dr Faruqi

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That paragraph 5.33 be amended by:

- a) inserting 'alleged' before 'shift away from prevention'
- b) omitting 'prescribed burning' after 'renewed commitment to' and inserting instead 'hazard reduction'.

Resolved, on the motion of Ms Voltz: That the following new paragraph be inserted before paragraph 5.50:

'The committee noted the evidence presented by the NPWS that they manage 25 per cent of the fire prone lands in NSW. The NPWS complete on average 80 per cent of the hazard reduction burns undertaken across NSW. With the Enhanced Bushfire Management Programme (EBMP) funding package NPWS have been able to double their hazard reduction effort since 2011.'

Resolved, on the motion of Ms Voltz: That paragraph 5.50 be amended by omitting 'OEH reported' and inserting instead 'OEH confirmed'.

Resolved, on the motion of Dr Faruqi: That:

- a) the quote following paragraph 5.61 be amended by omitting:

'It is quite important to not just simply have a sole hectare focus because, as the Victorians have discovered, what that leads to is simply agencies going out into the middle of nowhere and dropping a lot of incendiaries. They will get the target but they will not necessarily reduce the risk to the community.'

- b) the following new paragraph and quote be inserted after paragraph 5.89:

'The committee also notes the comments of the Rural Fire Service in relation to sole hectare targets:

"It is quite important to not just simply have a sole hectare focus because, as the Victorians have discovered, what that leads to is simply agencies going out into the middle of nowhere and dropping a lot of incendiaries. They will get the target but they will not necessarily reduce the risk to the community."

Dr Faruqi moved: That the following new paragraphs be inserted after paragraph 5.89:

'Evidence from the Victorian Bush Fire Royal Commission also suggests that a rolling target would not be effective.

For example, the Bushfire Royal Commission Implementation Monitor (BFCIM) Final Report, tabled in the Victorian Parliament on 31 July 2012 found that:

"The BRCIM questions the rolling target as the most effective way to increase the level of planned burning across the State as working towards a pre-determined target may diminish the State's ability to focus on risk reduction in high risk areas. The BRCIM advocates that the State reconsider the planned burning rolling target of five per cent as the primary outcome as part of the planned burning reform program. It is considered that the most important objective of the planned burning program must be to address public safety risks in line with the VBRC's intentions."

This was reconfirmed in the in Bushfire Royal Commission Implementation Annual Report 2014 that stated:

“The BRCIM’s view in relation to this target is unchanged. Area based hectare targets alone will not necessarily reduce the bush fire risk to life and property in Victoria and may have adverse environmental outcomes.”

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That the following new paragraph be inserted before paragraph 5.98:

‘The Committee notes that hazard reduction, including manual, mechanical and hazard reduction burning activities should be strategically planned to protect the community and vulnerable assets while minimising the adverse impacts of these activities on the environment.’

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That paragraph 5.98 be amended by omitting ‘The committee was alarmed by’ and inserting instead ‘The committee noted’.

Resolved, on the motion of Dr Phelps: That paragraph 5.98 be amended by omitting ‘we were disturbed to estimate’ and inserting instead ‘we were concerned about estimates which indicated’.

Dr Faruqi moved: That paragraph 5.98 be amended by inserting at the end: ‘The committee did not seek an estimate of the amount of non-burning hazard reduction undertaken.’

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Mr Colless: That paragraph 5.100 be amended by inserting the following footnote after ‘the 2009 Victorian fires’:

[FOOTNOTE: The committee also notes the inquiry into the 2001/2002 bushfires conducted by the Joint Select Committee on Bushfires in June 2002.]

Dr Faruqi moved: That the following new paragraph be inserted after paragraph 5.102:

‘The committee acknowledges that climate change is expected to increase the number of days with very high and extreme fire weather and bush fire severity and intensity is expected to increase substantially in coming decades because of this.’

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Dr Faruqi moved: That paragraph 5.103 be amended by:

- a) omitting 'The committee agrees with' and inserting instead 'The committee notes that'
- b) inserting 'argued' after 'various participants'.

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Dr Faruqi moved: That the following new paragraphs be inserted after paragraph 5.103:

'The committee also notes the risks associated with a predetermined target and is concerned that if it were adopted, the attention of firefighting agencies would move from a focus on determining the most strategic form of hazard reduction to protect lives, property and the environment, to a focus on whether or not they are meeting their targets through inefficient or unnecessary burns. The Committee also notes the concerns from the Independent Monitor of the Victorian Bushfire Royal Commission about the effectiveness of the rolling five per cent target.

Given the evidence provided, the committee does not endorse the Victorian five per cent rolling target, but rather calls on a more thorough process based on scientific expertise with a wider variety of stakeholders involved to discuss ways to protect lives, property and the environment.

It would be concerning if the attention of fire fighting agencies would move from considering what the most strategic form of hazard reduction should be and where it should be focussed to protect lives, property and the environment, to whether or not they are meeting their targets.'

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Voltz moved: That recommendation 1 be omitted: 'That the NSW Government commit to and fund a long term program of prescribed burning based on the recommendation of the 2009 Victorian Bushfires Royal Commission of an annual rolling target of a minimum of five per cent of public land per year.' and the following new recommendation inserted instead:

'That the NSW Government review the recommendations of the 2009 Victorian Bushfires Royal Commission on annual rolling targets.'

Question put.

The committee divided.

Ayes: Mr Donnelly, Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Ms Voltz moved: That recommendation 1 be amended by inserting at the end: ', and that the NSW Government commit to extending the funding for the NPWS five year hazard reduction program past 2016.'

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr Donnelly, Dr Faruqi, Mr MacDonald, Ms Voltz.

Noes: Dr Phelps.

Question resolved in the affirmative.

Dr Faruqi moved: That recommendation 1 be omitted: 'That the NSW Government commit to and fund a long term program of prescribed burning based on the recommendation of the 2009 Victorian Bushfires Royal Commission of an annual rolling target of a minimum of five per cent of public land per year.', and the following new recommendation be inserted instead:

'That the NSW Government undertake a more thorough process of bush fire risk reduction through a process based on scientific expertise with a wider variety of stakeholders involved to discuss ways to protect lives, property and the environment.'

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That recommendation 2 be amended by:

- a) omitting 'establish a regime of frequent mosaic burning' and inserting instead 'investigate a regime of mosaic burning'
- b) omitting 'This should then inform' and inserting instead 'This could then inform'.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Ms Voltz: That recommendation 2 be amended by:

- a) inserting ', where conditions permit' after 'Warrumbungle National Park'
- b) inserting 'fully funded' before 'research program'
- c) inserting 'program' before 'should then inform'.

Dr Faruqi moved: That paragraph 5.106 be omitted:

'It is of great concern to the committee that within the current regime of bush fire risk management, such vast areas of national park land are afforded no priority for hazard reduction burns. Rather, the primary determinant of how such land is managed are 'ecological thresholds' for the vegetation's good health that ignore the many thousands of years of Aboriginal practices of land management, as well as scientific evidence. This paradigm simply allows those vast areas of land to be ignored, and we witnessed during the Wambelong fire just how dangerous the NPWS' reliance upon on it is.'

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Dr Faruqi moved: That recommendation 3 be amended by inserting at the end:

‘, whilst ensuring that the objective to conserve biodiversity and protect cultural heritage by applying biodiversity thresholds is continued in those zones.’

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That recommendation 4 be amended by omitting ‘remove all impediments’ in the first dot point and inserting instead ‘remove any unnecessary impediments’.

Dr Faruqi moved: That recommendation 4 be amended by inserting ‘, planned hazard reduction’ after ‘impediments to timely’ in the first dot point.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Donnelly, Dr Faruqi, Ms Voltz.

Noes: Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the affirmative.

Dr Faruqi moved: That recommendation 4 be amended by omitting ‘burning’ after ‘remove any unnecessary impediments’ in the first dot point.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That recommendation 4 be amended by inserting ‘whilst continuing to protect lives, property and the environment’ after ‘impediments to timely burning’.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That recommendation 4 be amended by omitting ‘as a means of delivering more hazard reduction’ after ‘bush fire risk management plans’ in the second dot point.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Mr Colless moved: That paragraph 5.109 be amended by inserting at the end: 'A recommendation along similar lines was made by the Joint Select Committee on Bushfires in their report on the inquiry into the 2001/2002 bushfires.' [FOOTNOTE: Joint Select Committee on Bushfires, report on the inquiry into the 2001/2002 bushfires, recommendation 1.2.4, p 3.]

Question put.

The committee divided.

Ayes: Mr Colless, Mr MacDonald, Dr Phelps.

Noes: Mr Brown, Mr Donnelly, Dr Faruqi, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That recommendation 5 be amended by:

- a) inserting 'knowledge of bush fire safety and' after 'aimed at increasing community'
- b) omitting 'and support for' before 'hazard reduction burns'
- c) omitting 'burns' after 'hazard reduction'.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Mr MacDonald: That the following new recommendation be inserted before paragraph 5.110:

'Recommendation X: That the NSW Rural Fire Service investigate mechanisms to enhance the predictability of megafires and how this information is communicated easily to the public.'

Resolved, on the motion of Mr MacDonald: That the committee secretariat draft a committee comment to precede the new recommendation X.

Chapter 6

Dr Faruqi moved: That the following paragraph be inserted after paragraph 6.23:

'Hot, dry conditions have a major influence on bush fires. Climate change is making hot days hotter, and heatwaves longer and more frequent, with increasing drought conditions in Australia's southeast. 2013 was Australia's hottest year on record and in NSW the annual mean temperature was 1.23°C above average. The summer of 2013/14 was also the driest summer that Sydney has experienced in 27 years. These conditions are driving up the likelihood of very high fire danger weather in the State.' [FOOTNOTE: Climate Council of Australia report, "Be prepared: Climate change and the NSW bush fire threat", 2014.]

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That paragraph 6.23 be amended by inserting:

- a) 'extreme' before 'weather conditions' and
- b) 'significant' before 'factor contributing'.

Dr Faruqi moved: That the following new recommendation be inserted after paragraph 6.25:

'Recommendation X

That the NSW Government commit to strong targets for cutting greenhouse gas emissions; and work with states and through COAG to ensure that Australia cuts emissions deeply to reduce the risk of even more extreme events, including bush fires.'

Question put.

The committee divided.

Ayes: Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Dr Phelps moved: That paragraph 6.46 be amended by omitting 'recently been closed' and inserting instead 'been closed within the past ten years'.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Noes: Mr Donnelly, Dr Faruqi, Ms Voltz.

Question resolved in the affirmative.

Dr Faruqi moved: That recommendation 7 be omitted: 'That the NSW National Parks and Wildlife Service, at the direction of the NSW Rural Fire Service, enhance the network of fire trails within national parks across New South Wales by:

- reopening those fire trails that have recently been closed
- establishing new fire trails where appropriate
- providing sufficient fire vehicle turning areas
- ensuring adequate fire trail maintenance over the long term.'

and the following new recommendation be inserted instead:

'That the NSW National Parks and Wildlife Service and the Rural Fire Service review the adequacy of fire trails in National Parks.'

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Phelps moved: That recommendation 7 be amended by omitting 'recently been closed' in the first dot point and inserting instead 'been closed within the past ten years'.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Noes: Mr Donnelly, Dr Faruqi, Ms Voltz.

Question resolved in the affirmative.

Dr Phelps moved: That:

- a) paragraph 6.46 be amended by inserting at the end: 'Moreover, NPWS fire trails should be as open as practically possible to private use by 4WD clubs, who can report landslides, road slips, fallen trees and other potential hazards on these trails.'
- b) recommendation 7 be amended by inserting a fifth dot point: 'allowing maximum practicable public use of the fire trails by 4WD clubs.'

Question put.

The committee divided.

Ayes: Mr Colless, Mr MacDonald, Dr Phelps.

Noes: Mr Brown, Mr Donnelly, Dr Faruqi, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That paragraph 6.48 be amended by:

- a) omitting 'is extremely concerned by' and inserting instead 'is concerned by'
- b) inserting 'and lack of fire management' before 'around the towers'.

Dr Faruqi moved: That the first dot point in recommendation 8 be amended by:

- a) omitting 'increasing the asset protection zone around the' before 'towers on Mt Cenn Cruaich' and inserting instead 'requiring the land manager of the'
- b) omitting 'to a radius of at least 100 meters' and inserting instead 'to put in place a property protection plan, developed in consultation with National Parks and Wildlife Service and Rural Fire Service and to conduct annual bush fire risk assessment at the campus to identify any shortfalls in bush fire preparedness.'

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Faruqi moved: That the second dot point in recommendation 8 be amended by omitting 'land clearance, fire trails and fuel loads' after 'in respect of' and inserting instead 'fire safety preparedness'.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Resolved, on the motion of Dr Phelps: That paragraph 6.54 be amended by:

- a) inserting 'on a case by case basis,' after 'consider the feasibility'
- b) omitting 'or extreme' before 'fire danger rating'

- c) inserting 'ignition' after 'reducing bush fire'.

Resolved, on the motion of Dr Phelps: That recommendation 10 be amended by:

- a) inserting ', on a case by case basis,' after 'consider the feasibility'
- b) omitting 'or extreme' before 'fire danger rating'
- c) inserting 'ignition' after 'risk of bush fire'.

Chapter 7

Resolved, on the motion of Dr Phelps: That paragraph 7.127 be amended by inserting 'prepared' before 'fire fighting equipment'.

Resolved, on the motion of Mr Colless: That paragraph 7.131 be amended by inserting after the first sentence: 'What remains unclear is why the decision was taken not to commence the major back burn until 7.45 am on Sunday 13th, particularly in light of the two small back burns that were completed between Wambelong Creek and John Renshaw Parkway sometime after 10.30 pm on Saturday evening.'

Resolved, on the motion of Dr Phelps: That the second dot point of recommendation 13 be amended by inserting 'and/or adjoining' before 'their brigade areas.'

Resolved, on the motion of Mr MacDonald, that paragraph 7.145 be amended by omitting 'money and pain' after 'will save a great deal of' and inserting instead 'resources and potential damage'.

Resolved, on the motion of Ms Voltz: That recommendation 16 be amended by:

- a) omitting 'and NSW National Parks and Wildlife Service' after 'That the NSW Rural Fire Service'
- b) omitting 'their' before 'procedures, systems and infrastructure' and inserting instead 'its'.

Chapter 8

Resolved, on the motion of Dr Phelps: That paragraph 8.2 be amended by omitting 'non local crews' after 'requests for assistance being refused by' and inserting instead 'out-of-area crews'.

Resolved, on the motion of Mr MacDonald: That paragraph 8.39 be amended by omitting 'small interactions' before 'on the fire ground' and inserting instead 'localised interactions'.

Resolved, on the motion of Mr MacDonald: That the second dot point in recommendation 17 be amended by inserting ', where possible' after 'in every command vehicle'.

Mr MacDonald moved: That the third dot point in recommendation 17 be amended by inserting ', where possible' after 'at least one local fire fighter'.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr MacDonald, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Dr Phelps: That paragraph 8.59 be amended by omitting 'is very sympathetic to the view' after 'The committee' and inserting instead 'supports the view'.

Resolved, on the motion of Ms Voltz: That:

- a) paragraph 8.59 be amended by omitting 'the legitimate advocacy organisation' and inserting instead 'a legitimate advocacy organisation'
- b) recommendation 18 be amended by omitting 'the legitimate advocacy organisation' and inserting instead 'a legitimate advocacy organisation'.

Resolved, on the motion of Mr MacDonald: That paragraph 8.60 be amended by:

- a) omitting 'the RFS should examine' and inserting instead 'the Minister for Police and Emergency Services should examine'
- b) omitting 'moving its headquarters' and inserting instead 'moving those headquarters'.

Resolved, on the motion of Mr MacDonald: That recommendation 19 be amended by:

- a) omitting 'That the NSW Rural Fire Service examine' and inserting instead 'That the Minister for Police and Emergency Services examine'
- b) omitting 'relocating its headquarters' and inserting instead 'relocating the NSW Rural Fire Service'.

Resolved, on the motion of Dr Phelps: That paragraph 8.61 be amended by omitting 'right of land owners' and inserting instead 'desire of land owners'.

Resolved, on the motion of Mr Phelps: That recommendation 20 be amended by omitting 'able to determine' and inserting instead 'able to request'.

Chapter 9

Resolved, on the motion of Ms Voltz: That the following new section heading and paragraphs be inserted after paragraph 9.17:

'Essential infrastructure

The committee notes the importance of the essential infrastructure for rural communities. Mr Thring noted:

All the power poles burnt off. To illustrate: that is a strainer post. I was talking about the wind – the wind is blowing embers along the ground and that happened to all power poles and, of course, the power is off. Essential Energy had all the power back on within a week. Congratulations and thanks for that. That was just incredible. If you could have seen the mess, there were wires on the ground everywhere, and crash, bang, wallop – that was fixed.

The committee notes the importance of this essential infrastructure in rural and remote communities and the quick response in replacing damaged infrastructure with fire resistant poles.'

Ms Voltz moved: That the following new recommendation be inserted after paragraph 9.17:

'Recommendation X

That the NSW Government maintains public ownership of the NSW electricity wires and poles.'

The Chair ruled that the motion was out of order.

Resolved, on the motion of Mr MacDonald: That the following new paragraph and recommendation be inserted after paragraph 9.52:

'The Committee received consistent evidence about the uncertain capacity of land owners adjoining the Warrumbungle National Park to competently negotiate with NPWS in the aftermath of the fire in settling boundary fence reconstruction agreements. Whilst it is understandable and commendable the NPWS wanted to expedite the rebuilding programme, many neighbouring land owners were in a state of shock and lacking support to make significant decisions of this nature.

Recommendation X

The NPWS adopt an interim fencing agreement in the immediate aftermath of a fire. This will enable emergency and interim works to commence, but features such as length, fencing components and site of the fence line are not binding. A final fencing agreement would be negotiated no earlier than six months following a major national park fire.'

Dr Faruqi moved: That recommendation 22 be amended by omitting the first dot point, 'ensure that its side of boundary fence lines is cleared to the same legislative requirement as private landholders, that is, six metres'.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Question resolved in the negative.

Dr Phelps moved: That paragraph 9.54 be amended by:

- a) inserting ‘, where a park is adjacent to a rural land holding,’ after ‘ensure that’
- b) omitting ‘boundary fence lines’ and inserting instead ‘the boundary fence’
- c) omitting ‘as private land holders’ and inserting instead ‘as the land holding’.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Noes: Dr Faruqi.

Question resolved in the affirmative.

Dr Phelps moved: That the first dot point in recommendation 22 be amended by:

- a) inserting ‘where a park is adjacent to a rural land holding’ after ‘ensure that’
- b) omitting ‘boundary fence lines’ and inserting instead ‘the boundary fence’
- c) omitting ‘as private land holders’ and inserting instead ‘as the land holding’.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr Donnelly, Mr MacDonald, Dr Phelps, Ms Voltz.

Noes: Dr Faruqi.

Question resolved in the affirmative.

Ms Voltz moved: That recommendation 23 be omitted: ‘That the NSW National Parks and Wildlife Service remove from its boundary fencing policy and standard contract the condition that requires adjoining land owners to maintain a fence that has been damaged by trees falling from national park land.’

Question put.

The committee divided.

Ayes: Mr Donnelly, Dr Faruqi, Ms Voltz.

Noes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Dr Phelps: That:

- a) paragraph 9.57 be amended by omitting ‘should implement mechanisms to enhance’ and inserting instead ‘should investigate mechanisms to enhance’
- b) recommendation 24 be amended by omitting ‘should implement mechanisms to enhance’ and inserting instead ‘should investigate mechanisms to enhance’.

Resolved, on the motion of Dr Phelps: That

- a) paragraph 9.59 be amended by omitting ‘its legal liability’ and inserting instead ‘any legal liability’

- b) recommendation 25 be amended by omitting 'its legal liability' and inserting instead 'any legal liability'.

Mr Colless moved: That paragraph 9.60 be amended by inserting 'physical attributes of the' after 'measures to rehabilitate the'.

Question put.

The committee divided.

Ayes: Mr Brown, Mr Colless, Mr MacDonald, Dr Phelps.

Noes: Mr Donnelly, Dr Faruqi, Ms Voltz.

Question resolved in the affirmative.

Publication of *in camera* evidence

Resolved on the motion of Dr Phelps: That the committee authorise the publication of in camera evidence from the Volunteer Fire Fighters Association in paragraphs 5.95, 7.86 and 7.87, with the agreement of the witnesses.

Resolved on the motion of Dr Phelps:

- That the draft report as amended be the report of the committee and that the committee present the report to the House;
- That the transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the inquiry be tabled in the House with the report;
- That upon tabling, all transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the inquiry not already made public, be made public by the committee, except for those documents kept confidential by resolution of the committee,
- That the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- That the committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee,
- That dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting,
- That the report be tabled on 20 February 2015.

6. Other business

7. Adjournment

The meeting adjourned at 4.38 pm *sine die*.

Stewart Smith

Clerk to the Committee

Appendix 8 Dissenting statements

By Hon Lynda Voltz MLC, Australian Labor Party

Whilst the Victorian Bushfire Royal Commission recommended (recommendation 56) that the State fund and commit to implementing a long-term program of prescribed burning based on an annual rolling target of 5 per cent minimum of public land. The efficacy of a pre-determined target has been questioned by the Bushfire Royal Commission Independent Monitor (BRCIM). It would be unwise for the NSW Government to adopt such a measure without a review of the implementation of the recommendations of the Victorian Bushfire Royal Commission to ascertain best practice. The comments of the BRCIM below should be noted by the NSW Government:

“The State’s commitment to the VBRC’s annual rolling target of burning five per cent of public land has been managed within tight funding and resource allocations (recommendation 56). The State, while not meeting the planned burning targets for 2011-12, has introduced a number of initiatives to improve the performance and delivery of the planned burning program. The Department of Sustainability and Environment (DSE) is embarking on a planned burning reform program which will consider a number of options to ensure the efficiency and effectiveness of planning, capability and delivery to facilitate achieving the annual rolling target of 390,000 hectares per annum (recommendations 56 and 57).

The BRCIM questions the rolling target as the most effective way to increase the level of planned burning across the State as working towards a pre-determined target may diminish the State’s ability to focus on risk reduction in high risk areas. The BRCIM advocates that the State reconsider the planned burning rolling target of five per cent as the primary outcome as part of the planned burning reform program. It is considered that the most important objective of the planned burning program must be to address public safety risks in line with the VBRC’s intentions.”

<http://www.bushfiresmonitor.vic.gov.au/resources/47239f84-a975-4d7d-b4c5b1e56a5fed2b/bushfiresroyalcommissionprefacereportstructure.pdf> Accessed 17 February 2015.

Hon Lynda Voltz MLC

By Dr Mehreen Faruqi MLC, The Greens

The Greens believe that given the unique Australian ecosystem, uncontrolled bush fires are a real threat to life and property and to ecological sustainability. High intensity bush fires destroy lives, property, livestock and also native fauna and flora.

The Wambelong fire was a terrible catastrophe with significant impacts on the community. I thank the firefighting volunteers, professional fire fighters, National Parks and Wildlife staff and all those who have assisted in firefighting as well as recovery efforts. I also acknowledge the enormous impacts of the fire on the community.

This inquiry was a very useful process for examining the Wambelong fire and hearing evidence direct from the community. However, this was an inquiry into a specific and tragic incident and some caution should be used in extrapolating the lessons learnt for this particular case and applying it to the whole state. The Greens have significant concerns about some aspects of the key recommendations with respect to hazard reduction burning and that climate change was not acknowledged at all as a contributing factor to bushfires in NSW. These are discussed below.

Climate Change:

The six key findings of the Climate Council of Australia's report (2014) "Be prepared: Climate change and the NSW bush fire threat" clearly point to the increase in extreme fire weather, drier conditions, and an increased frequency and severity of bushfires because of climate change.

The report also notes that hot, dry conditions have a major influence on bushfires. Climate change is making hot days hotter, and heatwaves longer and more frequent, with increasing drought conditions in Australia's southeast. 2013 was Australia's hottest year on record and in NSW the annual mean temperature was 1.23°C above average. The summer of 2013/14 was also the driest summer that Sydney has experienced in 27 years. These conditions are driving up the likelihood of very high fire danger weather in the State.

It is very disappointing that the committee failed to acknowledge the fact that climate change is expected to increase the number of days with very high and extreme fire weather and bushfire severity and intensity is expected to increase substantially in coming decades because of this.

Recognising this changing environment is essential to devising strategies to mitigate climate change through cutting greenhouse gas emissions in order to prevent fires, and being more prepared for devastating fires like Wambelong, which occurred during an extremely hot period.

By not acknowledging the effects of climate change in increasing fire danger weather and the risk of fires, the committee has left the community and the environment vulnerable to the risks that will be posed by future fires.

The Greens proposed the following recommendation, which was not accepted by the Committee: "That the NSW Government commit to stronger targets for cutting greenhouse gas emissions; and work with states and through COAG to ensure that Australia cuts emissions deeply to reduce the risk of even more extreme weather events, including bushfires".

5% Annual Rolling Target for Hazard Reduction Burning

The committee has recommended a target similar to the Victorian Bushfire Royal Commission's 5% annual rolling target for prescribed burning of public land. However, this conclusion is not supported by the evidence considered by the Committee.

Significant concern about this target has been expressed by both the NSW Rural Fire Service in evidence before the committee. The Victorian Bushfire Royal Commission Implementation Monitor (BRCIM), who is responsible for monitoring and reviewing the progress of Victoria in implementing the recommendations of the 2009 Victorian Bushfires Royal Commission's Reports, has also expressed significant concern over the target in their report, tabled in the Victorian Parliament on 31 July 2012:

“The BRCIM questions the rolling target as the most effective way to increase the level of planned burning across the State as working towards a pre-determined target may diminish the State's ability to focus on risk reduction in high risk areas. The BRCIM advocates that the State reconsider the planned burning rolling target of five per cent as the primary outcome as part of the planned burning reform program.”¹

This was reconfirmed in the in Bushfire Royal Commission Implementation Annual Report 2014 that stated:

“The BRCIM's view in relation to this target is unchanged. Area based hectare targets alone will not necessarily reduce the bushfire risk to life and property in Victoria and may have adverse environmental outcomes.”²

I am concerned that this report over-emphasises some participants' opinion of prescribed burning. This inquiry was set up with a terms of reference specific to the Wambelong incident. If a state-wide target for burning is to be investigated, then a much wider variety of stakeholders, including those involved with recommending and evaluating the Victorian target, should have been invited to present evidence.

The Greens are deeply concerned that if this target is implemented, the attention of fire fighting agencies would move from considering what the most strategic form of hazard reduction should be and where it should be focussed to protect lives, property and the environment, to whether or not they are meeting their targets.

¹ Page 8, <http://www.bushfiresmonitor.vic.gov.au/resources/24a8a8cf-e374-40fe-af91-7685dd7fe965/bushfiresroyalcommissionfullreport.pdf>

² Page 47, http://www.bushfiresmonitor.vic.gov.au/resources/a58e2cc3-944a-41b7-bae3-f44399b87fe2/8408_brcim_annual_report_2014_web_full.pdf

Burning is not the only form of hazard reduction

It is concerning that the committee has conflated hazard reduction with prescribed burning. For example, the Rural Fire Service ‘Methods of Fire Reduction’³ states:

“In many circumstances, hand and mechanical clearing methods should be considered the best way to protect assets. These methods can be safer than burning, and easier to organise and maintain”.

It is therefore inappropriate that fire appears to be the only form of hazard reduction considered by this committee. Hazard reduction, including manual, mechanical and hazard reduction burning activities should be strategically planned to protect the community and vulnerable assets.

Dr Mehreen Faruqi MLC

³ http://144.140.132.148/dsp_content.cfm?cat_id=1037