



CLARENCE ENVIRONMENT CENTRE Inc
87-89 Skinner Street
South Grafton 2460
Phone : 02 6643 4611
Web site: www.cec.org.au
E-mail: admin@cec.org.au

SUBMISSION

To the NSW Independent Bushfire Inquiry
GPO Box 5341, Sydney NSW 2001

28th February 2020

Please see the following letter, originally sent to the Minister for Police & Emergency Services, the Hon David Elliott, 19th August 2019, as forming the main content of this submission to the Inquiry



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19th August 2019

The NSW Minister for Police & Emergency Services
The Hon. David Elliott, MP
52 Martin Place, Sydney, 2000
GPO Box 5341, Sydney NSW 2001
Phone: (02) 8574 6290

Dear Minister,

Climate change considerations for bushfire management Call for tightened restrictions and year-round fire permit requirements for NSW

In winter last year more than double the number of fires burned across NSW than in the previous year. This year appears to reflect the same trend, though not surprisingly, with the ground bone hard and dry from an overheated summer; prolonged drought; higher than average temperatures through winter, and always that chance of a high westerly wind. Yet even now, in the certainty of climate change and this weather becoming a normal average pattern for NSW, there is still no requirement for landholders to apply for permits to burn in winter.

In the Clarence Valley alone, every year without fail, residents are forced to suffer the discomfort of a smoke-choked valley, stinging eyes; clogged sinuses; respiratory difficulties; disgust by visitors enduring an unexpected ugly scene, and annihilation of our general tourist industry. All simply because the RFS declares a set date for the end of their permit-free season and land owners rush to light up their properties before they have to ask permission.

In this regard, on behalf of the majority of the Clarence Valley community in particular, but also the New South Wales people at large, we inform you now that we are over fires. We are over being afraid of neighbours who light fires on a regular annual basis and let them run out of control. We are sick of putting up with dense smoke invading our Valley and our lives for weeks on end. We are done with having to consider potential destruction of our properties, our wildlife, our lifestyles and even our homes by fires that someone else decides to light. We are tired of being afraid to take a break and leave our properties in case a fire comes through. We are sick and tired of being angry and helpless when this annual fear kicks in as the "bushfire season" approaches. And we are angry for those who struggle to cope with depression when confronted by the resulting carnage, with nowhere to turn for compensation or comeuppance for the person who is known to have caused it.

We are sure that you must already be aware that inevitably year after year, out-of-control fires lit at inappropriate times to avoid the need to apply for a permit, cause -

- thousands of blackened, smoldering, barren, ruined hectares, empty of animals that the previously healthy naturally-functioning bushland supported
- devastation to hundreds of families and landowners who confront the ruin of sometimes decades of land and wildlife stewardship and their future plans for their lands. None of which are insurable as assets, or likely to be restored and resumed in their lifetimes
- loss of family homes; livestock; pets; property infrastructure and possessions, frequently all under-insured because insurance in today's NSW is too costly

- loss of innumerable old-growth hollow-bearing trees, with associated displacement and death to numerous native animals that depended on them for survival, most of them listed as threatened species for this very reason
- thirst and starvation for numerous native animals by destruction and prolonged removal of food sources and ground moisture, generally at a time when resources are already restricted
- death by physical burning of innumerable ground-dwelling mammals and birds; viable birds' nests; helpless young animals and birds; snakes, lizards, tortoises, echidnas, and other animals either hibernating or caught in the line of fire, including koalas, whose natural response to fire is to climb higher into the leaves without hope of escape to another canopy in a now thinned landscape.
- plant extinctions by regular high regime seed destruction and growth impairment, including of already threatened species (ie, effective fire-assisted clearing by the person who deliberately plans their annual burn).
- removal by each and every fire of millions of insects, large to microbial, eliminating a vital food resource for numerous mammals and birds, large and small, that depend on them
- destruction of biota - microbes; larvae; worms; fungus - that break down fallen vegetable matter, animal bodies and excreta, to create healthy nutritious soils
- removal of moisture from the soil that normally stimulates the surface matter breakdown processes
- perpetual drying of creek lines and first and second order streams where previous moisture-loving vegetation once cooled the ground and served as a network of natural fire-breaks
- a falling water table by heightened moisture take-up by regenerating trees than that required by mature trees
- dense smoke pollution, with associated irritation to eyes and nostrils, and related problems for asthmatics and breathing impaired, including children
- accidents through poor vision for those with already diminished eyesight
- water pollution by ash, wind-driven cinders and dust, and eventual silt from erosion of denuded soils
- further depletion of native bushland, wildlife and habitat by clearing for containment lines
- fearful local councils demanding excessive clearing around newly built homes, creating even further loss of natural bushland habitats
- continual diminishing carbon sinks and increasing levels of CO₂ that mean Australia has no hope of meeting its greenhouse commitment target
- enormous financial drain to taxpayers by out-of-control and/or inappropriately lit fires

Given all these annual negative events and impacts, it seems utterly unbelievable to most of us that for the most part they are triggered by the need for a permit to light a fire during a set "bushfire season".

On 12 January 2009 the CRC in a press release warned - "Australia's Chief Fire Officers now believe that our current knowledge and practices on bushfire management will not meet the expected needs of the community in coming decades.

"Climate change and drought are altering the nature, ferocity and duration of bushfires, and an ageing and declining volunteer population are challenging the way fire agencies are going to be able to manage these events. These issues are being further compounded by an expanding rural-urban fringe and the desire for people to retire to semi-rural or rural areas. These demographic changes mean there will be increasing numbers of people living in these higher risk zones that are less capable of dealing with the fire risk".

Yet 10 years on nothing has changed in NSW, other than the ferocity and frequency of fires.

We therefore ask you, as minister, why is all this damage, destruction and disruption allowed to continually impact so many people, year after year in New South Wales? And why is it that Queensland has a year-round fire permit requirement, with few exemptions, and without complaints from the general public?

We also ask you, as a long-serving minister for your portfolio, why it is that with your ability to amend the Rural Fires Act and improve things for so many people, do you continually ignore and neglect your responsibility and duty to do so?

Just over a decade ago the Australian Institute of Criminology collected data from 18 Australian fire and land management agencies from approximately 280,000 vegetation fires. Analysis of this data showed that despite some uncertainties about what constituted 'deliberate' fires, the following cause percentages Australia wide were -

- Natural fires (lightning strike) - 6% (deemed rare)
- Natural re-igniting of extinguished fires - 5% (deemed rare)

Human-related fires:

- "Accidental " - 35% (presumably machinery; lawn mowers; vehicles; powerlines; etc)
- Deliberately lit - 13% (not differentiated between mischievous, malicious, pyromania, or escaped)
- Suspicious - 37%
- "Other" causes at 4% have no explanation, so possibly cigarettes, broken bottles, or "totally clueless" might be appropriate here

The above figures clearly show that reducing all human-related fires will significantly reduce the devastating impact on peoples' lives by bushfires. While we appreciate recent amendments to the Rural Fires Act that enable property entry for investigations into a fire's source and cause, and increased penalties for deliberately lit fires and arson, these amendments do little to allay peoples' fears without public announcements of results, and penalties actually handed down and severe enough to serve as a deterrent. Also those penalties do not transfer to compensation for the impacted landowner, which could encourage them to pick up and start again

This study also proves that fire, frequently projected as an inevitable part of the Australian scene, is NOT a natural hazard that we must learn to put up with.

Landowners who do not wish to burn their bushland and their wildlife should not have to do so. They should not have to be prepared for some lunatic lighting a match, when they will never be the one who lights it. Property owners' rights and plans for their land need to be included in amended legislation, with specific consideration to publicly-funded conservation lands, including national parks.

The Clarence Environment Centre therefore fully recognises the massive injustice by a system that not only allows but enables the devastating destruction that takes place every year - not only of material "assets" but of people's long-term plans, hopes and dreams for themselves and their families, as well as the uncountable lost hours of loving labour gone into bringing those dreams to fruition.

On behalf of our members, committee and the Clarence Valley residents therefore, we urge you now to consider the following regulatory changes. To -

- amend the Rural Fires Act to include changing weather patterns and make permits to burn a year-round constraint
- amend the Rural Fires Act to forbid any landowner to burn their property without a qualified Rural Fires Service officer in attendance to supervise and ensure the fire does not escape, and to make sure it is correctly extinguished when done
- amend the Rural Fires Act to offer temporary paid employment opportunities for the most highly qualified, longest-serving and experienced volunteers, on an annual employment basis only as perpetual employment positions could lead to fire becoming a business, not something to be rid of

- amend the Rural Fires Act to ensure, as an absolute requirement, that National Parks & Wildlife Service be involved in decisions to sign approval permits to harm native wildlife by fire, including threatened species, for both a landowner and the RFS
- amend the Rural Fires Act to add watchdog status to either the RFS or NPWS staff by the Fire Near Me or similar official portal, whereby the first signs of rising smoke is recorded; the property address noted; the landowner immediately contacted to check if they are aware of and are monitoring the fire, and to issue an official notice of responsibility for that person to ensure the fire is contained on their land and extinguished that same day to avoid severe penalties.
- amend the Rural Fires Act to include illegal trespass by fire onto another person's land, including National Parks estate, with associated substantial penalties for harm or destruction of bushland, natural vegetation tracts, protected old growth trees and other wildlife habitat (ie not only material "assets").
- amend the Rural Fires Act to include penalties for a frequent fire regime that equates to attempt by the landowner to clear his or her property by burning, and for hindering growth and sustainability of native wildlife; threatened species, and threatened ecological communities on that land by that persistent regime.
- amend the Rural Fires Act to include a mandatory requirement for each permit applicant to show a current public liability insurance certificate and third party property damage insurance cover, sufficient to compensate for damage to other properties by any escaped (trespass) fire
- amend the Rural Fires Act by removing the word "fuel" (as a noun), and inserting instead "leaf litter", fallen or dead organic matter, "mulch", or "detritus".

We also feel it appropriate to suggest that the NSW Police Force consider the banning of matches and pocket cigarette lighters from all vehicles. This particularly in consideration of one young man recently convicted for arson, who stated: *"I don't know why I was in that frame of mind to actually strike a match and to physically throw a match out the window. I was seeing red, and I think I wanted to see something else hurt ... take my pain away from what I was feeling and put that on to something else, destroy or damage something else."*

For these reasons (• cigarette smoking already banned from the vast majority of public areas; • a cigarette butt tossed from a moving vehicle now a fineable offence; • open camp fires a public danger; • gas camp stoves readily lit by convenient battery hot-wands without the need for matches; • many vehicles installed with cigarette lighter hubs - we believe that anything that creates an instant open flame is no longer a necessity for the travelling public.

Therefore, in light of our rapidly changing circumstances through climate change, unrestricted human population growth, diminishing water resources, and an increase in people choosing to leave the cities and retire to the country, we consider that all the above should be readily acceptable to the government, not only in terms of the environment but in the interests of human health security, and human lives.

We look forward to your views, with a sincere hope for your approval and cooperation

Yours sincerely,

Patricia Edwards
Clarence Environment Centre Vice President

cc - The Federal Minister for the Environment; NSW Shadow Minister for the Environment; Fire and Biodiversity Consortium Northern Rivers President; North Coast Environment Council Secretary & President; Wildlife Information Rescue & Education Service Secretary; the NSW Wildlife Council Secretary; Friends of Koala President, Lismore; NSW Nature Conservation Council