

RECOMMENDATION 1

The Commonwealth Environment Minister be formally required to contribute to Whole-of-Government deliberations in regards to preparedness for upcoming fire seasons, well ahead of those fire seasons (which could mean on an ongoing basis). The Commonwealth Environment Minister additionally formally contributes Whole-of-Government preparations for fire and other hazards including the contracting of aerial assets.

RECOMMENDATION 2

A national (cross-jurisdictional) environmental risk alert system for climate risks that focuses on Matters of National Environmental Significance should be established where coordination and response moves to a heightened footing as risks rise. This would include where multiplying risks exist (such as drought and fire).

RECOMMENDATION 3

There is a clear need for an independent climate change risk advisory body that provides a degree of accountability where political leaders undermine effective decision-making and public messaging. The Climate Commission, which was established in 2011 and abolished in 2013 could have played this role. Other models for this role could be a National Environmental Commission¹, a Parliamentary Environment Office (paired with the Parliamentary Budget Office) or as outlined by Professor John Blaxland, a national institute of net assessment, where broader risks to Australia including these are considered.²

RECOMMENDATION 4

There should be clearer and more accurate public communication on the limited effectiveness of fuel management operations and residual risk, particularly with climate change.

RECOMMENDATION 5

Given effectiveness of fuel management and appropriate conditions for planned burns is expected to be further limited under climate change, there is a need to apply a risk-based lens to these activities, targeting operations to the most areas where this approach would provide the most benefit (e.g. close to houses).

RECOMMENDATION 6

The Commonwealth Government should prioritise protection of Australia's existing terrestrial carbon stores, stocks and flows and ecosystems; ensure a credible land carbon policy³ is implemented as part of strong overall emissions reductions in line with science; and prioritise afforestation and regeneration of degraded landscapes and ecosystem corridors such that Australia becomes a resilient, biodiverse carbon sink, in line with national biodiversity conservation priorities.

RECOMMENDATION 7

National objectives should be set for reducing the impact of fires on MNES.

RECOMMENDATION 8

Funding towards aerial assets should err on the side of over-allocation rather than

¹ As outlined in our submission to the 2020 statutory review of the EPBC Act

² A geostrategic SWOT analysis for Australia - Professor John Blaxland
<https://www.defenceconnect.com.au/key-enablers/4651-a-geostrategic-swot-analysis-for-australia>

³ This policy must ensure no direct offsetting of fossil fuel emissions with land carbon credits either domestically or internationally

optimum allocation, or, under-allocation which is the present situation. The process for assessing this risk should be made public and an annual assessment of risk, together with an assessment of firefighting response capability should be incorporated. A large standing fleet should be established.

RECOMMENDATION 9

The Commonwealth should clarify its role in the active firefighting protection of MNES. A centralised capacity should be established (either within AFAC or elsewhere) to provide surge capacity to deal with remote fires that goes beyond aerial firefighting.

RECOMMENDATION 10

The federal funding formula for the firefighting response needs to be adjusted to actively incorporate MNES as a funding criteria. The formula should be adjusted to incentivise the rapid response to fires when they start, including aerial fleets and water bombing.

RECOMMENDATION 11

The doctrine for assessing and responding to remote spot fires should be adjusted. The practice of allowing remote fires to “burn out” even when resources are available to respond should be reconsidered. Any reconsideration of doctrine should account for the improved effectiveness of aerial firefighting.

RECOMMENDATION 12

Fire data should be made seamless between states.

RECOMMENDATION 12

The Role of Defence in emergency response should be clarified. We do not believe that the ADF should play a leadership role in the emergency response to bushfires as has been canvassed in some quarters. The ADF lacks an institutional understanding of bushfire and of nature. However it should improve interoperability for its assets, provide technical and doctrinal advice for the fire response and apply technological expertise to fire surveillance improvements.

RECOMMENDATION 13

The overall investment in fire suppression needs to be increased to a point where it can substantially impact on reducing the impact of fires on MNES. There should be a standing aerial fleet of a capacity to respond to all spot fires in the worst foreseeable fire season. Overall funding should be benchmarked against other areas of government spending associated with similar existential risks (i.e. national security and defence).

RECOMMENDATION 14

The EPBC Act should be reformed or replaced in line with our recommendations into the current statutory review of the EPBC Act (see below)⁴:

1. The EPBC Act should be reformed or replaced so that it:
 - a. has a clear and unambiguous objective to ensure that Australia’s environment is healthy and remains so into the future;
 - b. prescribes clear and enforceable duties to protect and recover environmental values, and sets minimum standards of protection across jurisdictions;
 - c. contains clear and enforceable preventative measures against harmful activities and projects;
 - d. deals consistently with all types of environmental impact, regardless of the sector and land use causing those impacts; and
2. Enshrine community rights and informed participation in decision-making in all Commonwealth environmental legislation and regulation; and
3. Reform the EPBC Act (or create a National Environment Act) to provide key enabling infrastructure to ensure that the Act is implemented in line with its objects and

⁴ Please contact the Wilderness Society for a full copy of this submission.

principles, including:

- a. Establishing independent and trusted institutions (a National Environment Protection Authority and National Environment Commission) to ensure transparent and consistent enforcement of the Act and provide oversight of and accountability around regulatory processes and decision-making;
- b. Ensuring full, timely and comprehensive data and monitoring is publically available to support effective policy development and effective community participation in decision-making; and
- c. Ensuring sufficient resources are invested to make certain that environmental values are maintained or enhanced.

RECOMMENDATION 15

The protected area network should be expanded to build further resilience into the landscape. The focus should be first on adding habitat from species, ecological communities and ecosystems at highest risk. When additional area is added to the protected area, additional resources should be provided to the agency responsible for its management.

RECOMMENDATION 16

Agency funding towards managing the protected area network should increase. Funding should be made transparent and be tracked as part of a national accountability framework.

RECOMMENDATION 17

The Commonwealth and states should work towards urgently accelerating the phasing out native forest logging to reduce fire risk and increase landscape resilience.

RECOMMENDATION 18

Better funding should be provided to protected area agencies and other organisations/individuals involved in site, species and ecosystem monitoring (including university researchers, conservation groups).

RECOMMENDATION 19

The Commonwealth should complete the KTP for bushfires and institute a threat abatement plan. This plan should establish a 'key natural assets' register to support coordination and prioritisation of fire planning and defence with other jurisdictions. This register should comprise high value MNES for which regularly updated bushfire risk modelling shows a significant sensitivity to fire events, such as World Heritage Areas, rare and isolated plant communities (e.g. Wollemi Pines), Wilderness and Reference Areas or severely range-limited critically endangered species like the Kangaroo Island Dunnart. Investment may be required to better understand fire risk and mitigation requirements for nationally significant species and key natural assets. [We also anticipate it may be appropriate for a similar or combined register to be established for Indigenous cultural heritage—but this would clearly be subject to Traditional Custodian approval.]

RECOMMENDATION 20

All species recovery plans and site-based plans for world and national heritage sites should be reviewed in light of potential climate-impacts. These plans should be funded and implemented.

RECOMMENDATION 21

A COAG environment committee should be re-established.

RECOMMENDATION 22

A national bushfire and ecological science agency should be established. It should be an independent agency with long-funding horizons (not a CRC model). It should coordinate science activities and have as one of its focusses, the protection of MNES.

RECOMMENDATION 23

There should be an increased focus on reducing deforestation and degradation and increasing stocks, stores and flows of land-based carbon. Development of appropriate and much-needed methodologies should be a priority action. Regulatory mechanisms and incentives should be improved. These approaches should become more integrated into wider climate and biodiversity policy frameworks.

RECOMMENDATION 24

The Commonwealth bushfire threatened species advisory group continues its work and is supported to harvest the lessons learned from agency staff/ecologists who carried out the emergency wildlife response.

RECOMMENDATION 25

A Major Event Review must be triggered in all Victorian RFAs. A Major Event Review clause must be inserted in all other RFAs and these clauses triggered.

RECOMMENDATION 26

The Commonwealth establishes a standing climate disaster recovery fund (focussed on nature recovery) that can make rapid-post disaster funding allocations as required.

RECOMMENDATION 27

That funding is urgently allocated towards implementing an integrated post-fire monitoring program.

RECOMMENDATION 28

That Australia's national environment act be reformed to:

- a. ensure the requirement maintain or enhance the environmental values and ecological character of protected matters under the Act includes bushfire mitigation and response, and other major events;
- b. require regularly updated bushfire risk mapping and modelling for recovery plans, including identifying priority actions to mitigate bushfire risk as a result;
- c. major event provisions that:
 - i. trigger full ecological audit of major event impacts on all MNES and related plans; and
 - ii. suspend existing activities and approvals that might affect bushfire-impacted MNES until assessment is complete.
- d. Section 158 of the EPBC Act (or commensurate section in a new national environment act) should have strict limits on application including clear definition of what constitutes a major event / disaster, strict start and end times for exemptions from enforcement, and provisions to ensure appropriate interim protections for MNES.

RECOMMENDATION 29

That all levels of Government actively consider the heightened post-fire species extinction risk when considering development approvals.

RECOMMENDATION 30

That the Commonwealth and state governments can no longer ignore the increasing risk of natural disasters under climate change scenarios, and need to take urgent action to set strong targets that would limit warming to 1.5 degrees (in line with the Paris Agreement) and play a constructive role internationally on meeting this goal.

RECOMMENDATION 31

That governments and emergency management policy recognise the high level of community support for strong action on climate mitigation measures, and actions to support resilient ecosystems in disaster management. Implicit in this recognition is community appreciation that the security, wellbeing and resilience of communities is fundamentally embedded and reliant upon the health and resilience of ecosystems and the global climate system.

RECOMMENDATION 32

That governments continue to support and further develop dialogue with communities over bushfire risk and planning in respect to life, property, environment and heritage and the various risk reduction actions and their limitations. That such dialogue involves at a minimum government and fire agencies, technical experts and scientists, land managers, communities and Traditional Custodians. Such dialogue is necessary to develop shared understanding of the suite of possible risk reduction actions, their limitations and interdependency.

RECOMMENDATION 33

Governments adopt risk-reduction targets for planned burn programs, instead of hectare based targets. In Victoria, there is a need for continued development of risk-based planning and targets, while other states should either refine or adopt risk based management together with risk based targets, rather than hectare targets.

RECOMMENDATION 34

That risk reduction targets and planning operate across the public/private land boundary, and involve a collaborative approach between state agencies, landholders and communities. This should include programs to assist landholders and land managers with the skills and knowledge required to participate in fire management planning, such as the Hotspots Program in NSW.

RECOMMENDATION 35

That the Commonwealth and states increase investment in research and monitoring of appropriate fire regimes for flora and fauna. Fauna requirements are relatively poorly understood, including patch mosaic requirements and are a priority.

RECOMMENDATION 36

Further work is urgently required to identify and manage for old and hollow bearing trees, including mapping and assessment in order to minimise loss in bushfire and planned burn management (such as that undertaken for the Victorian Mallee region).

RECOMMENDATION 37

Unburnt areas of vegetation following fire are vital refuges for the recovery of plants and animals, and there should be a halt to the deliberate burning out of these areas by fire crews following bushfires. Prescribed burns also need to promote unburnt refuges to aid ecological recovery and resilience.

RECOMMENDATION 38

The Wilderness Society encourages the Royal Commission to engage directly with Traditional Custodians and their representatives in regards to cultural and natural heritage impacts.

RECOMMENDATION 39

Halt deforestation and logging in remaining intact, green, unburnt habitat refuges for threatened species affected by the bushfires.

RECOMMENDATION 40

To remove pressure from bushfire affected forests and species, speed transition to plantation based wood and fibre industry. In Victoria, this involves bringing forward the 2030 transition out of native forest logging.

RECOMMENDATION 41

Governments abandon the nations ten Regional Forest Agreements (RFAs) or at least given the wood supply and conservation assumptions underpinning the RFAs are now invalid due to bushfire impacts, and force majeure clauses in wood supply contracts implemented.

At a minimum, logging operations in RFA regions should be halted until full scientific assessments are completed of bushfire impacts on threatened species populations and recovery requirements.

Should RFAs be retained, a halt in logging operations and review of bushfire impacts could be conducted through Major Event Reviews (MER). In other states, a MER clause should be added to RFAs, if they are to be retained, and triggered for bushfire affected forests and wildlife.

Regardless of the process undertaken, following scientific assessment any logging recommencements must be under dramatically reduced wood supply allocations to post-fire sustainable levels.

RECOMMENDATION 42

That salvage logging operations be prohibited in Australia's bushfire affected forests.

RECOMMENDATION 43

That a fundamental step in increasing traditional land and fire management—which can benefit ecosystem and community resilience—is for governments to recognise the rights and interests of Traditional Custodians in all aspects of land management and decision making in relation to their traditional lands, regardless of current land tenure. This may involve a range of mechanisms, including recognition of title and handback of lands, joint and co-management arrangements, state land rights legislation, treaties and regional agreements, Indigenous Land Use Agreements (ILUA's), affirmative action employment and education policies, 'Pay the rent' schemes, Indigenous Protected Areas and Heritage Agreements.

RECOMMENDATION 44

That Commonwealth and state governments ensure legislation, institutional arrangements, policies and arrangements are in place to appropriately engage Traditional Custodians in the preparation, response and recovery phases of "natural disaster" management, and Traditional Custodians are properly resourced to do so.

RECOMMENDATION 45

That governments increase resourcing for existing and expanded traditional management and cultural burning, particularly the development of longer term, secure program funding

for stable employment.

RECOMMENDATION 46

The Commonwealth, states and agencies must recognise Traditional Custodian authority over cultural knowledge and its application in cultural and ecological management, including management of cultural intellectual property according to traditional law, and to control any earnings derived from it.