

Disaster Management and Other Legislation Amendment Bill 2024

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AgForce Queensland Farmers Limited

ABN 57 611 736 700

Second Floor, 110 Mary Street, Brisbane, Qld, 4000
PO Box 13186, North Bank Plaza, cnr Ann & George Sts, Brisbane Qld 4003

Ph: (07) 3236 3100
Fax: (07) 3236 3077
Email: agforce@agforceqld.org.au
Web: www.agforceqld.org.au

Ref: MG/GL/GG/24024

18 March 2024

The Committee Secretary
Community Safety and Legal Affairs Committee
Queensland Parliament

By Email: CSLAC@parliament.qld.gov.au

Dear Sir/Madam

Re: Disaster Management and Other Legislation Amendment Bill 2024

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$10.4 billion in on-farm value of production in 2021-22. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,500 farmers, individuals and businesses provide support to AgForce through membership. Our members own and manage around 55 million hectares, or a third of the state's land area. Queensland producers provide high-quality food and fibre to Australian and overseas consumers, contribute significantly to the social fabric of regional, rural and remote communities, as well as deliver stewardship of the state's natural environment.

AgForce is making a submission regarding the Disaster Management and Other Legislation Amendment Bill 2024.

As the responding period has been extremely short, there has been inadequate time for AgForce staff, committees and members to provide a full and considered response. This attempt to engage stakeholders in a meaningful manner is fundamentally flawed and should be called into question by the Queensland Ombudsman. We ask that this AgForce submission be accepted, even though it is passed the deadline of 10am, 15 March 2024.

Prior to the Bill being entered into the Queensland Parliament on 7 March 2024, AgForce had been conducting an inquiry process with primary producers following the response of the 2023/2024 fire season. A report was tabled with the State Bushfire Committee on 6 March 2024, the day prior to the Bill being tabled in Parliament.

The major message in AgForce's report is that despite some changes that have occurred over recent years reacting to previous submissions from AgForce to wildfires in 2018/2019 and 2019/2020 seasons and engagement with the Inspector-General of Emergency Management (IGEM), AgForce members maintain that a Parliamentary Inquiry into fire in the Queensland rural and urban landscape is needed to enable more fundamental reforms for rural fire prevention and response.

AgForce tables this Report to the Committee.

In response to the Bill, AgForce continues to be of the position that the cycle of amendments and rapid-fire tabling of proposed changes and unconscionable short timeframes for considered submissions in response, underlies fundamental dysfunctionality in the fire response apparatus of the Queensland Government.

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ADVANCING SUSTAINABLE AGRIBUSINESS

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With inadequate time to consider proposed amendments in the Disaster Management and Other Legislation Amendment Bill 2024 and implications on disaster management in and more particularly on fire response impacting members, AgForce does not support the proposed amendments in the Bill.

AgForce's recommendation for a Parliamentary Inquiry is validated by draft amendments to the *Fire Service Act 1990* within the Bill which sees that the Fire and Rescue Commissioner will have the powers to remove particular members of a Rural Fire Brigade and to determine who can or cannot be a brigade chairperson, treasurer or elected office bearer. This abrogates the published principles of the [Queensland Rural Fire Service Volunteer Charter](#) which emphasise that decision-making will be fair and just and not inappropriately discriminate against volunteers.

Another proposed amendment to the *Fire Service Act 1990* that further illustrates the need for a Parliamentary Inquiry provides that an incident controller at a future rural fire event can only be drawn from people with expertise in large scale structural fires and bushfires, specialist and technical rescue, response to disasters and hazmat. This means that all incident controllers can only come from Queensland Fire and Rescue, not Queensland Rural Fire Service or Brigades, with volunteer landowners with local knowledge of fire behaviour and local social networks being excluded.

The cultural differences between paid staff and unpaid volunteers, as highlighted in the attached report, result in a call for a division into two separately controlled and funded organisations. The suggested model is:

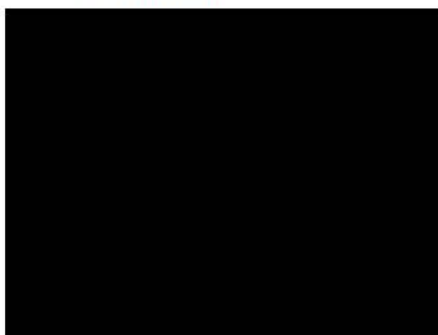
- a. Urban focused QFES paid firefighters and brigades focused on putting out fires and protecting people, houses and built assets

WITH SEPARATE GOVERNANCE AND MANAGEMENT FROM

- b. Rural focused fire brigades with QRFS paid staff and QRFB volunteers that target coordinated fire management planning and response, with focus on using fire and land management proactively to manage and mitigate against wildfire risk.

AgForce argues that the current Disaster Management and Other Legislation Amendment Bill 2024 does not allow this option or organisational separation to be considered and whilst AgForce members continue to experience dysfunctional fire response in many incidents, the continued decrease in volunteerism and sub-optimal financial and environmental impacts of uncontrolled wildfire is only going to accelerate.

Yours faithfully



Mike Guerin
Chief Executive Officer

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ABN 57 611 736 700

Second Floor, 110 Mary Street, Brisbane, Qld, 4000
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Ph: (07) 3236 3100
Fax: (07) 3236 3077
Email: agforce@agforceqld.org.au
Web: www.agforceqld.org.au

Ref: GG/QSBC
06/03/2024

Ben Millington
A/Chief Officer
Queensland Rural Fire Service (RFS)
Queensland Fire and Emergency Services

By Email: [REDACTED]

Re: AgForce Report to State Bushfire Committee – 2023/24 Fire Response in Queensland

Dear Ben,

Please find following a summary report based on information and feedback collected from AgForce members and volunteer fighters and members of Rural Fire Brigades and Primary Producer Brigades across all regions of Queensland involved in the fires of the 2023/24 season.

EXECUTIVE SUMMARY & RECOMMENDATION:

In the lead up to Christmas 2023 AgForce members from each region of the State sought possibility of providing feedback to Queensland fire authorities in the aftermath of the 2023/24 bushfire season. Meetings in Springsure, Blackbraes, Hughenden, Gayndah, Mundubbera and Roma, with other individual calls/submissions from AgForce members and non-members identified consistent messages, as well as specific particulars on different fire grounds. On the positive side, it was communicated strongly in most areas that the role of Firecom has improved and the language and relations amongst QRFS, QFES and QPWS and with volunteers on Rural Fire Brigades (RFBs) have progressed. However, the overwhelming position of volunteers in RFBs is that the existing differences in approach to dealing with fire, both proactively and reactively, and the structure of fire authorities and configuration of responding parties on the fire ground during an event is dysfunctional. Large issues exist with the cultural divergence amongst paid and volunteer fire personnel, the policy on backburning, implementation of local fire bans, communications during fire response and the leadership and clarity of decision-making and prioritisation of equipment use, authorisation and expenditure of private and public funds.

In light of the recent history the last five years of fire inquiries, reviews and even a Royal Commission, AgForce members and non-member RFB members are dismayed that the dysfunctionality continues to exist, with a net decrease in volunteerisms and poorer outcomes on the fire ground, particularly in learning from preventative fuel reduction activities as well as during fire response. The overall recommendation from participants in recent fire response meetings has been the call for a fundamental review by the Queensland Parliament of fire authorities and management of fire in the landscape within Queensland.

Recommendation: AgForce advocates to Queensland Government for a Parliamentary Inquiry into Fire Management on rural (non-urban) lands across the State.

BACKGROUND:

AgForce members were engaged in fire events across the State in the 2023/24 fire season, as volunteers within Rural Fire Brigades (QRF) and in combination with paid Queensland Rural Fire Services (QRFS) and Queensland Fire and Emergency Services (QFES) staff. Many of these members asked for an avenue to provide feedback on their experiences in the 23/24 season, as well as other previous events, and have attended meetings in Springsure, Blackbraes, Hughendon, Gayndah, Mundubbera and Roma, with other individual calls/submissions.

Fortunately, AgForce has been a member of the State Bushfire Committee (SBC) for the last three years, which provides an avenue for this formal feedback to key bushfire Government agencies, partners and stakeholders in Queensland.

Historically, AgForce has provided ongoing feedback regarding concerns about bush fire preparedness and response and has included recommendations on dealing with issues encountered in many events. This has included submissions to Queensland State Government and the Commonwealth and several interactions with IGEM (the Inspector General of Emergency Management).

Members of AgForce provided positive feedback regarding several changes resulting from previous submissions and engagements with IGEM and SBC, including:

- a. In some Rural Fire Brigade areas there have been improved relations with QRFS, QFES and Queensland National Parks (QPWS).
- b. Rostering of schedules and coordination of effort during firefighting has been improved in some events. However the trend seems to be that in rural areas the closer the event is to urban centres, the fire response becomes more confused.
- c. In some areas ground crews with QPWS, QRFS and QFES (paid staff) and QRF (volunteers) improved coordination and comms
- d. The language used by some QFES staff has improved where pastures are now regarded as 'assets'
- e. Improvements in some areas where the generational knowledge of volunteer landowners in QRFBs is respected
- f. Firecom communications with fire crews on the ground significantly improved
- g. In some instances, backburning was permitted by attending QFES and QRFS staff, which allowed local landowner QRF volunteers to manage fires.
- h. Rural firebreaks consisting of two graded firelines and burnt section in the middle are effective and need to be used and promoted more effectively.

However, in most cases the negative feedback from recent meetings overshadows advancements made through the Queensland Bushfire Plan. Amongst the many problems identified, key issues included:

- a. Significant confusion exists regarding **Queensland Backburning Policy**, with volunteer and in some instances paid firefighters unclear on when they can use fire to fight fire.
- b. **Local Fire Ban restrictions** are unclear with most volunteer QRFB firefighters unaware it is possible for issuance of permit to light fire when fighting fire. Some AgForce members and QRFB volunteers request that the powers of Regional Inspector to issue fire-bans needs to be called into question, as consultation with QRFB officers is not occurring.
- c. **Communications**, while improved in some areas, continues to be a fundamental issue for those on the fire-ground with need for systemic review including examining use of common frequencies on UHF/CB radio, role of Facebook and other social media for updating ground crews, use of repeater stations in priority areas for mobile phone and radio contact, confusion and inconsistency about directions for helicopter and fixed wing aircraft water bombers. GWN radio use questionable, with poor reception in several localities close to Brisbane.
- d. **Decision-making authority** continues to be confused, with QFES, QRFS and QPWS paid staff often at odds with local volunteer QRFB landowners when time-critical actions are required and the hierarchy prevents rapid issuance of authority to act. Some landowners and QRFB representatives suggest this will not be resolved whilst QFES is involved.
- e. **Legal protections** for landowners are unclear, in many instances causing significant confusion in use of backburning and other mitigation efforts on neighbouring properties and National Parks. Education is essential enabling clarity on the 1.6km radius rule from a landowner's boundary and whether this applies to State Land and/or National Parks?
- f. **Understanding of Authorities and Entitlements and use of Terms** is confusing between paid and volunteer firefighters, as well as within other sections of society, on who can be involved to assist fire response, commandeering and use of machinery, registration of activities, requirements for reimbursement, insurance for public-indemnity and property, etc.
- g. General confusion about the possibility of **reimbursement for fire-fighting machinery costs**. Expenditure by many private landowners and volunteers on fire fighting and fire prevention activities, particularly for public good outcomes relating to forestry and national park lands, is substantial. Many AgForce members have provided detailed spreadsheets of expenses with limited understanding of eligibility for reimbursement for works authorized by QRFB officers.
- h. **Organisational culture** is very different between paid and volunteer firefighters – seeing a contrast of a paramilitary approach focused on 'putting out fires' versus a cooperative and collaborative approach to 'proactively managing the landscape' with preventative as well as emergency fire response. This cultural difference has many far-reaching impacts, which need to be addressed for enabling effective coordination and management of fire response. Of primary importance is the need for a culture that supports proactive use of fire for fuel management in rural areas versus a conflicting culture of always seeking to extinguish all fires.
- i. Need for **improved scientific research** and understanding of most effective proactive and reactive fire management practices in different Regional Ecosystems across the State, with focus on maintaining tree grass balance for production and the health of these landscapes for building and conserving natural capital.

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- j. Proactive **coordination of fire management planning** is lacking across rural Queensland. Conduct Coordinated Fire Management Planning (CFMP) within bounded fire management areas is needed to engage landowners along with major stakeholder interests to identify differences in fire objectives, approach and infrastructure on the ground to achieve more proactive landscape scale outcomes. Feedback from landowners is that CFMP needs to be facilitated by external/third-party professionals. Independent facilitation is important, particularly in rural areas that are closer to peri-urban and urban areas. Here there is a need for education, so peri-urban landowners concerned about fire understand the positive effects of well managed fire and have the chance to be physically involved in fuel reduction activities that protect wildlife and built assets.
 - k. The **successive changes to the legislation, the arrangements between QFES, QRFS and QRFBS** regarding authorities, protocols and administration of funding, have seen some improvement, however the fundamental differences in culture and goals in working with fire see the need for two separately controlled and funded organization. Feedback has included recommendations that the leadership of Rural Fires need to be separated from the Urban Fires with a totally separate Commissioner, and “the Red Trucks should stay out of rural fires. They do not achieve effective results on rural fire grounds.” The suggested model is:
 - a. Urban focused QFES paid firefighters and brigades focused on putting out fires and protecting people, houses and built assets

WITH SEPARATE GOVERNANCE AND MANAGEMENT FROM

- b. Rural focused fire brigades with QRFS paid staff and QRFB volunteers that target coordinated fire management planning and response, with focus on using fire and land management proactively to manage and mitigate against wildfire risk.
 - l. **Volunteer firefighters should not be used as slave labour** to fight national park, forestry and/or poorly planned hazard reduction fires managed by QRFS. Many AgForce members and QRFB volunteers expressed concerns that they are expected to fight QPWS fires when they have been within the park, with some receiving no recompense. Volunteers understand that when they are used for firefighting on crown land, or national park areas they are just being used as free labour, which has detrimental impacts on volunteerism. Tara fire example – Sending crews from Gold Coast resulted in completely dysfunctional management of the fire ground because of mismanagement and inexperienced volunteers from well outside district. Needed fuel reduction burning to prevent loss of houses and built infrastructure.
 - m. **Landowners need ready access to live fire event information** from the QFES website, which is possible as fire permit information, including address is already logged on the system. Fire incidents information needs to be current to provide landowners near-real-time knowledge of where fire is heading and whether their assets are at risk.
 - n. **Existing exemptions and overriding powers are inequitable.** National Parks, Main Road and Railways should also receive a permit from the local QRFB officers such as fire warden.
 - o. Use of **water bombers are highly questionable** – AgForce members and QRFB volunteers provided many examples of ineffective outcomes for enormous cost. There is also concern about politicization and media grandstanding. For instance on one fire-ground in SEQ volunteers said, “We heard the QRFS officer say they did not want to put the fire out with
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the water bombers, but the Channel 7 news crew are here and we need to make it look like we are doing something.”

- p. There is **impractical vegetation management regulation for fire management** infrastructure in different areas of Queensland. The Vegetation Management Act 1999 needs to be reviewed regarding firebreaks, firelines and protection of pasture and vegetation assets, as well as built assets. Fences need to be considered as assets in the VMA as many trees are taller than 10m and can fall on a fence in fire. Black wattle needs to be classified as a native invasive weed.
- q. **Proposed changes to the QFES Act are not known** amongst rural fire volunteers and stakeholders – All the proposals are drafted in-house. The current suggestions of legislative change in QFES and short timeframes for response of a select number of stakeholders reeks of secrecy and protectionism and is not helpful. Alleged proposals include provisions where QFES staff can control who is the Commissioner for Rural Fires AND that QFES can have authority to remove First Officer, Warden, Secretary, Treasurer, etc. A Parliamentary Inquiry is needed so all submissions and correspondence are made public knowledge.

CONCLUSION:

AgForce appreciates the opportunity of providing open feedback from members and volunteer members of Rural Fire Brigades across Queensland. The urgency in resolving the above issues has never been more extreme. Fuel loads after the 2023/24 wet season see that enormous risks exist for the 2024/25 fire season, with potentially devastating outcomes from uncontrolled and uncontrollable wildfire events.

AgForce is providing a rounded response to 2023/24 fire response to State Bushfire Committee on 6th of March and the majority of AgForce members involved in consultation are recommending that the ongoing concerns require a **Parliamentary Inquiry** to fundamentally review how fire response is governed and funded across rural Queensland. As a tangible activity for this Parliamentary Inquiry, many AgForce members suggest a focus on the Carnarvon area one case in Queensland to fundamentally examine how fire management and response can be improved – where local Rural Fire Brigades work with National Parks and paid QFES and QRFS staff to proactively manage landscapes for preventing and managing wildfire.

One issue AgForce sees in pursuing a Parliamentary Inquiry however is that the Parliamentary Committee structure in Queensland sees separation of Fires and Agriculture and Environment in separate committees (Community Safety and Legal Affairs Committee and Health, Environment and Agriculture Committee respectively). At a minimum, both of these Committees need to be involved in conducting the Parliamentary Inquiry proposed above.

AgForce has collected a large amount of information subsequent to the 2023/24 fire season, as well as from earlier events. As part of the proposed Parliamentary Inquiry process AgForce will make all of this material available to help guide a more effective governance structure and on-ground combination of paid and volunteer firefighters in rural Queensland.

If you have questions on any of this material, please contact Dr Greg Leach on 0428 720 651 or leachg@agforceqld.org.au.

Yours sincerely

Michael Guerin
CEO AgForce.