



Submissions to the 2009 Victorian Bushfires Royal Commission

Otway Ranges Environment Network
Melbourne Water Catchment Network

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Summary of submissions

We submit the Royal Commission should:

- Acknowledge the fire 'dirty tricks' campaign as described and evidenced in Part One of these submissions.
- Acknowledge that major wildfires occur in State forest, despite a native forest logging industry operating in these forests.
- Acknowledge that the logging industry has not been 'locked out' of significant areas of State forest.
- Acknowledge that logging roads and tracks in State forest are not designed for fire-fighting or fire prevention purposes, are frequently outside of those areas which are burnt for fuel reduction, and are not essential for fire fighting purposes, as recognised by previous government inquiries.
- Recommend that an audit of all forestry roads be conducted to determine usefulness for fire-fighting purposes.
- Acknowledge that the amount of fuel reduction burning able to be undertaken is dependent on the resources available, that these resources are also used for post-logging 'regeneration' burns, and that due this competition for resources, less fuel reduction burning is undertaken, as acknowledged by previous government inquiries.
- Recommend that DSE disclose all the fires which start as a consequence of logging practices so an assessment of the risks to communities and water supply catchments can be assessed.
- Recommend that in cases where logging practices are the cause of wildfires on public land, VicForests should be made to pay the costs of putting out such fires, and be liable for damage caused.
- Acknowledge that logging practices dry out wet forest.
- Acknowledge that logging practices routinely start wildfires.
- Acknowledge that rainforests act as natural fire buffers.
- Recommend further research be undertaken on the impact of native forest logging on fire risk and impact including, inter alia, the drying out of forest, and the reduction of fuel reduction burning due to post-logging burns.
- Recommend further research be undertaken on the potential for rainforests to be nurtured to act as natural fire breaks.
- Recommend community reference groups be established to assist in the management of public land throughout Victoria.

Purpose of Submissions

The following submissions are written on behalf of the Otways Ranges Environment Network Inc (OREN) and the Melbourne Water Catchment Network Inc (MWCN).

'Black Saturday' is used to refer to Saturday 7th of February 2009, the day of extreme weather conditions and fires which caused a significant number of human deaths and property destruction.

There are two parts to this submission:

Part 1. Fire Dirty Tricks Campaign

Of great concern are the dangerous and unsubstantiated assertions that National Parks resulted in, or exacerbated, the fires on Black Saturday. It is claimed that fuel reduction burns are prevented in National Parks because governments have 'locked up' the forests due to pressure by greens (conservation-minded people), or political parties chasing 'green votes'.

We regard such claims as part of a ongoing public relations campaign - a fire 'dirty tricks' campaign - that has been using tragic fire events such as Black Saturday (and the 2003 Canberra fires) to consistently scapegoat other sections of the community for politically motivated and/or self interested reasons.

We believe the Royal Commission needs to not only investigate the technical issues concerning fuel reduction burns but must also examine the deliberate misinformation being disseminated about fuel reduction burning and associated issues.

This dirty tricks campaign is irresponsible and undermines efforts to educate the community about wildfire dangers and prevention strategies. The groups and individuals responsible attempt to mislead public opinion, attempt to change land management decisions against scientific evidence, and create a false sense of security that fuel reduction burning could prevent extreme wildfires.

All this undermines the overall strategy to protect the community from extreme wildfire events.

There is a precedent of a Royal Commission recognising misinformation and self-interest in the fire issue. The Stretton Royal Commission examination of the 1939 wildfire acknowledged these issues:

The truth was hard to find. Accordingly, your Commissioner sometimes sought it (as he was entitled to do) in places other than the witness box. Much of the evidence was coloured by self-interest. Much of it was quite false. Little of it was wholly truthful.¹

¹ Victoria, Royal Commission, *Report of the Royal Commission to Inquire into the Causes of and Measures Taken to Prevent the Bush Fires of January, 1939, and to Protect Life and Property and The Measures to be Taken to Prevent Bush Fires in Victoria and to Protect Life and Property, in the Event of Future Bush Fires* (1939) 7.

As an ongoing solution to public misinformation, this Royal Commission could recommend the establishment of Community Advisory Committees to advise government with respect to public land management. These committees were recommended by Victorian Environmental Assessment Council² and would provide community feedback on, *inter alia*, fuel reduction strategies and public land fire danger. These committees must represent a true cross-section of the community, including conservation and community groups, landowners, farmers and other relevant stakeholders. The Otways example is referred to in Appendix 1.

Part 2. Impact of native forest logging on wildfire

In Victoria, public-land native forest logging occurs within State forest. The presence of a native forest logging industry has not prevented major fires occurring in State forest. Instead native forest logging practices increase wildfire risk within the landscape where it occurs contrary to claims made by the native forest logging industry.

Part two of this submission below dispels the myths perpetuated by the native forest logging industry regarding logging practices and wildfire risks. We go on to argue that current logging practices increase wildfire risk.

Key issues discussed:

- 2.1 Despite the native forest logging industry major wildfires occur in State forest
- 2.2 Logging industry has not been locked out
- 2.3 Forest roads and tracks for fire fighting
- 2.4 Fuel reduction burns vs post logging regeneration burns
- 2.5 Logging practices drying our wet forests
- 2.6 Logging practices routinely start wildfires
- 2.7 Rainforests act as natural fire buffers

² VEAC, *Angahook-Otways Investigation Final Report* (November 2004) 119.

Part 1: Fire 'Dirty Tricks' campaign

1.1 Why OREN and MWCN are stakeholders

The Otway Ranges Environment Network (OREN) is concerned for the communities and forests in the Otways, which are situated in South West Victoria. OREN was the key environment group that led the campaign which resulted in the creation of the Great Otway National Park in 2005, and the ban on native forest logging in the Otways forest which came into effect in 2008. The Melbourne Water Catchment Network was established in 2007 and is concerned with the protection and preservation of native forests within the Melbourne's water supply catchments.

Fortunately for the communities along the Great Ocean Road and in the Otway forests, this region escaped a potential inferno on Black Saturday. However that did not stop the finger pointing regarding the Great Otway National Park.

Less than two days after Black Saturday. Wilson Tuckey, Federal Member for O'Connor (WA), made public comments regarding National Parks and fuel reduction burns. These sparked off unsubstantiated and vicious attacks against conservation minded people in the media.

Fires caused by locking up forests, says Tuckey

9/02/2009

Independent Weekly, AAP

Outspoken federal Liberal MP Wilson Tuckey has blamed both major political parties for Victoria's bushfire tragedy, saying the weekend wildfires were preventable.

The savage fires have claimed the lives of 108 people, and the number of fatalities is expected to rise as emergency teams sift through the remains of burn-out homes and vehicles.

Mr Tuckey, a former federal forestry minister, says policies that lock up forests create excessive fuel loads.

Wildfires, like those in Victoria at the weekend, had generally occurred every 25 years, he said.

But forests now had nearly 10 times the number of trees to the hectare than they did previously.

He blamed the situation on both major parties "who go running around putting in more reserves to get green preferences".

"Governments who choose to lock up these forests and ... treat them with benign contempt, well others pay the penalty," he told reporters in Canberra.

Mr Tuckey expects to be branded insensitive for raising the issue.

"I am heartbroken at what's happened because it was preventable," he said.

The choice was either to have forests managed by industry or as reserves, Mr Tuckey said.

"But in both cases the reduction of fuel load is a daily requirement and it is not always necessary to do it with burning."

Mr Tuckey said fire fighters needed better access to fight fires.

"When you had a forests products industry ... we used to have roads and we used to have bulldozers."

That machinery was traditionally used to help put out a fire the day it started, he said.³

A week after Black Saturday, people who claimed to be experts on fire management started to make public statements regarding fire management in the Otways. Bill Middleton⁴ and former Liberal MLC Richard de Fegely⁵ both made public statements that the Great Otway National Park had been 'locked up' so no control burns were occurring. They implied that the residents in the Otways were in grave danger because of a lack of fire management strategies for the Great Otway National Park.

These claims regarding the lack of fire suppression strategies for the Otways are untrue. Otway Ranges Environment Network (OREN) responded to these false claims with an opinion piece in the *Geelong Advertiser* (18/2/09).⁶

During a fact-finding trip into the Kilmore fire zone Simon Birrell and Chris Taylor took photos of an area that was subjected to a 'strategic asset protection burn' just eight months before Black Saturday. The photos demonstrated that fuel reduction burns had made no difference under the extreme weather conditions. These photos were published as part of a lead story by *Crikey Media*.⁷

Anti-National Parks groups made similar unsubstantiated claims when they argued that fire suppression strategies would be undermined with the creation of the Great Otway National Park (See Appendix 1).

³ AAP, 'Fires caused by locking up forests, says Tuckey', *Independent Weekly*, 9 February 2009.

⁴ Jeff Whalley, 'Clear Land or risk', *Geelong Advertiser* (Geelong), 16 February 2009.

⁵ 'Local Lives at risk, says firefighter' *Geelong Advertiser* (Geelong), 14 February 2009.

⁶ Simon Birrell, 'Forget political scapegoats, greenies not to blame' *Geelong Advertiser*, 18 February 2009. http://www.geelongadvertiser.com.au/article/2009/02/18/52031_opinion.html

⁷ Simon Birrell, 'Fuel reduction burns made no difference on Black Saturday' *Crikey Media*, 1 March 2009. <http://www.crikey.com.au/Politics/20090310-Fuel-reduction-burns-made-no-difference-to-Black-Saturday.html>

1.2 Defining the fire ‘dirty tricks’ campaign

People who have suffered loss and trauma after extreme wildfire events understandably seek to find cause or blame for their loss. The debate about fuel reduction burning on public land is a legitimate debate the community needs to have in order to help make peoples lives and property safer from wildfire. Many people, in good faith, have issue with the perceived lack of fuel reduction burns on public land.

The motivation behind the ‘dirty tricks campaign’, however, is to use the fire crisis to manufacture the impression that National Parks are bad, unmanaged, ‘locked up’ landscapes which create wildfire risk and to attribute blame on so-called ‘greens’ or ‘green votes’ for preventing fire suppressions strategies.

The fire ‘dirty tricks’ campaign takes advantage of public fear and ignorance of complex fire behaviour in order to manipulate public opinion against National Parks and people who support National Parks. **Furthermore, the fire dirty tricks campaign is irresponsible as it could create a false scene of security within the community that control burns would have made a substantial difference to infernos such as those on Black Saturday.**

Anti-environmental public relations campaigns are not new, with books being published on the subject.⁸

Historically a loose alliance of groups see National Parks as a threat to their industry or income. These groups include people who have a direct connection or sympathy with the native forest woodchip and clearfell logging industry on public land; conservative land owners with large land holdings; ‘old school’ professional foresters; and farmers who have lost agistment access in the Alpine National Park areas. Some, or all, of these groups may be involved.

The ‘dirty tricks’ campaign focuses on the idea that we should not be ‘fatalistic’ about fire, that people can control wildfire under all conditions.

This plays on an old philosophical debate: should people seek to dominate and control all of nature or should we accept the view that there are some things (like extreme wildfire events) that we cannot control?⁹

Wildfire behaviour is driven by three key elements: weather, ignition and fuel load. The first two elements cannot be controlled. The ‘dirty tricks’ campaign focuses on the idea that fuel loads can be controlled with the result that all wildfire behaviours can be controlled under all circumstances. As Wilson Tuckey put it, the Black Saturday wildfire was “preventable”.¹⁰

⁸ Sharon Beder, *Global spin. The corporate assault on Environmentalism* 1997; Nicky Hager & Bob Burton, *Secrets and lies. The anatomy of an anti-environmental PR campaign* 2002.

⁹ John Schauble, ‘Why there’s so much heat from bushfires’, *The Age* (Melbourne), 5 August 2004; Val Plumwood, ‘We blame forests for fires, and refuse to change’, *Canberra Times* (Canberra) 12 March 2003.

¹⁰ Above AAP n3.

The fire ‘dirty tricks’ campaign ignores the fact that fire protection on all public land in Victoria is the responsibility of the Department of Sustainability and Environment (DSE) upon which conservation groups have historically had limited influence. The Victorian Environment Assessment Council (VEAC) confirmed this responsibility in a report:

The Department of Sustainability and Environment’s Fire Management Branch is responsible for wildfire protection and fire fighting in state forest, national, state or other parks, reserves or other Crown land. Other bodies, such as the Country Fire Authority, Parks Victoria and plantation managers, assist in both fire prevention and fire suppression activities.¹¹

There are several untested and self-interested assertions used to convey a negative message about National Parks, each of which is discussed in the following sections of this submission:

- Few or no fuel reduction burns occur in National Parks (Section 1.3)
- Environmental lobby groups, conservationists, the so-called “greens” and “the green vote” are to blame for National Park management (Section 1.4)
- Fire access tracks are closed when a National Park is proclaimed (Section 2.21)
- Logging practices, logging equipment and forestry experience is removed when National Parks are created, creating greater fire danger (Section 2.0).

1.3 Fuel Reduction Burns

1.3.1 Evidence gathered after Black Saturday

The evidence of Black Saturday dispels the idea that fuel reduction burns would have been effective in preventing the inferno.

During a fact-finding trip into the Kilmore fire zone, photos were taken of an area which was subjected to a ‘strategic asset protection burn’ just 8 months before Black Saturday. The photos demonstrated that fuel reduction burns had made no difference under the extreme weather conditions and were published on a news website.¹²

Just after the first mention day of this Royal Commission both Premier Brumby and the National Party leader Peter Ryan (on behalf of the Liberal and National parties) made public statements acknowledging that fuel reduction burns did not prevent or lessen the impact (at least in some areas) of the Black Saturday fires.¹³

Opening comments by Jack Rush QC, Counsel assisting the Royal Commission, also made it clear fuel reduction burns do not stop extreme wildfires, saying, ‘[t]he purpose of prescribed burning is not to prevent fire from occurring, but to reduce the

¹¹ Victorian Environmental Assessment Council, *Angahook-Otways Investigation, Discussion Paper* (September 2003) 82. <http://www.veac.vic.gov.au/angahook/AngahookOtwayPaper.pdf>

¹² Simon Birrell, ‘Fuel reduction burns made no difference on Black Saturday’ *Crikey Media*, 1 March 2009. <http://www.crikey.com.au/Politics/20090310-Fuel-reduction-burns-made-no-difference-to-Black-Saturday.html>

¹³ Refael Espstein, ‘Backburning in Victoria ignites political tension’, ABC AM, 21 April 2009. <http://www.abc.net.au/am/content/2008/s2548129.htm>

intensity of fire, its rate of spread and the difficulty of suppression and potential damage incurred as a consequence of fire.¹⁴

In the week after Black Saturday, academics, fire experts,¹⁵ and State Government ministers¹⁶ made useful contributions to the fuel reduction burn debate.

An editorial in *The Age* also discussed the fuel reduction, emphasising the need to examine facts surrounding fuel reduction:

The greatest challenge for any inquiry is to separate questions of fact from the ideological wrappings in which they are too often posed. For this new commission, that will especially be so with regard to the issue of fuel reduction, which has become a defining point of difference between conservationists and those who take what they like to think of as a tough-minded attitude to forest and fire management. Both sides incline to rigidly ideological stances, and again, Stretton's cautiously factual approach to the question is a preferable model. He recommended controlled burning as a fire-management practice but counselled that the officers who carried it out should "have a thorough knowledge of local forest lore". This does not treat fuel-reduction as a panacea for bushfires, as some of the practice's contemporary advocates do. The 2009 royal commission, like Stretton's, must assess the evidence on its merits.¹⁷

1.3.2 Recent Inquiries

Following the major 2003 and 2007 Victorian fires, which each burnt about 1.1 million hectares, and the 2003 ACT fires, there have been at least five major inquiries and studies by government into issues surrounding bushfires. These inquiries were initiated by ACT Government,¹⁸ Federal Parliament House of Representatives,¹⁹ Victorian Auditor General,²⁰ Victorian Department of Premier and Cabinet,²¹ and the Victorian Legislative Council.²²

¹⁴ <http://www.royalcommission.vic.gov.au/getdoc/66db5558-a7d4-441e-a7e3-d406ee34868d/01-Bushfire-20April09>

¹⁵ Peter Kanowski, Professor of Forestry at the Australian National University in AAP, 'Forest management "not to blame for fires"' *Herald Sun* (Melbourne), 12 February 2009

http://www.news.com.au/story/0,23599,25044204-29277,00.html?from=public_rss;

Brendan Mackey, from the Australian National University's Fenner School of Environment and Society & Kevin Tolhurst, senior lecturer in fire ecology and management at Melbourne University in Geoff Strong, Adam Morton, 'Experts divided on benefits of building better, burning off', *The Age* (Melbourne), 12 February 2009. <http://www.theage.com.au/national/experts-divided-on-benefits-of-building-better-burning-off-20090211-84te.html?page=-1>.

¹⁶ Victorian Environment Minister, Gavin Jennings in Adam Morton, Nick McKenzie, 'Don't blame greens, says state', *The Age* (Melbourne), 13 February 2009.

<http://www.theage.com.au/national/dont-blame-greens-says-state-20090212-8631.html?page=-1>

¹⁷ Editorial, 'Bushfire strategies must be reviewed to save lives', *The Age*, (Melbourne), 11 February 2009, <http://www.theage.com.au/opinion/editorial/bushfire-strategies-must-be-reviewed-to-save-lives-20090210-83j6.html?page=-1>

¹⁸ Ron McLeod AM, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT* (2003). http://www.cmd.act.gov.au/publications/archived_publications/mcleod_inquiry/report

¹⁹ House of Representatives Select Committee into the recent Australian bushfires, Commonwealth of Australia, *A Nation Charred: Inquiry into the Recent Australian Bushfires* (November 2003). See also Michael Organ MP, Commonwealth of Australia, *Dissenting Report* (November 2003). <http://www.aph.gov.au/HOUSE/committee/bushfires/inquiry/report.htm>

²⁰ Auditor General, Victorian Government, *Fire prevention and preparedness* (2003); see Chapter 4 for fuel reduction issues. http://archive.audit.vic.gov.au/reports_par/agp8804.html

²¹ Bruce Esplin, Dr Malcolm Gill, Prof Neal Enright, State Government of Victoria, *Report of the Inquiry into the 2002-2003 Victorian Bushfires* (2003).

<http://www.dpc.vic.gov.au/CA256D8000265E1A/ListMaker!ReadForm&REFUNID=552C897B73AB2762CA2573D1007C55E8-c0unter&V=Listing-&K=Inquiry+into+the+2002-2003+Victorian+Bushfires-&l=10->

Additionally the Victorian Environmental Assessment Council (VEAC) included discussion on fuel reduction burning in their 2003 Otway Discussion Paper.²³

All of these inquiries and studies have noted that fuel reduction burning is not a 'panacea', rather it is one of many strategies that are used in combination to reduce fire risk.

None of these inquiries found that conservationists, 'the green vote' or the creation of National Parks has, in any way, influenced levels of fuel reduction burns on public land.

Additionally these processes have all acknowledged a legitimate and long running debate over the effectiveness of fuel reduction burning. Despite these detailed inquiries, and their clear scientifically-backed recommendations that have sought to advance the complex issues regarding fuel reduction burns, some people still went ahead with the 'greens are to blame' propaganda within days of the 2009 Black Saturday fires.

These reports and studies have not acknowledged that a fire 'dirty tricks' campaign may be in play. We submit that until this 'dirty tricks' campaign is exposed, such dirty tricks campaign will be re-run every time there is a major fire, regardless of the outcomes of inquiries, studies or Royal Commissions.

[Government+Initiatives-&2=Listing+key+Inquiry+into+the+2002-2003+Victorian+Bushfires-&3=98-Inquiry+into+the+2002-2003+Victorian+Bushfires-](#)

²² Environment and Natural Resources Committee, Parliament of Victoria *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria* (June 2008).

http://www.parliament.vic.gov.au/enrc/inquiries/bushfires/Report/Bushfires_June_08.pdf

²³ Victorian Environment Assessment Council *Angahook-Otways Investigation, Discussion Paper* (September 2003) 81-82. <http://www.veac.vic.gov.au/angahookotway.htm>

1.3.3 State forest and other land types burn as well

The assertion that “lock it up and leave it” National Parks are to blame for wildfires falsely ignores the fact that wildfires burn all types of landscapes and forest land management zones.

For example, VicForests reported that 47% of State forest in Eastern Victoria was burnt in major wildfires between 2003-2007.²⁴

Significant areas of State forest that were under timber production were burnt in the Black Saturday fires, as acknowledged by the Victorian Government’s *Timber Industry Strategy*:

The bushfires have burnt extensive areas of State forest that VicForests relies on for timber supply. At the time of publication, VicForests estimates that the fires have burnt around 25,000 hectares of merchantable native forest: particularly Ash forests in the Central Highlands region. Plantation companies and farm forest landholders are reporting total losses of around 20,000 hectares of softwood and eucalypt timber plantations.²⁵

Approximations made by MWCM member Chris Taylor indicate that the Kilmore fire (80,000ha) comprised approximately 50% private land (predominately grasslands), and 5% plantations. The remainder (45%) was public land, roughly divided between National Park and State forests. The Murrindindi fire (120,000 ha) was 58% State forests and 23% National Parks. Other wildfires on Black Saturday were not near National Parks. The Churchill fires burnt to the edge of the Turra Bulga National Park but did not burn into it.

Clearly fires burn National Parks, State forest, and other forested land types.

1.3.4 Major grass wildfires

Fires, and their impacts, are not restricted to forested areas. Grasslands and farming areas are susceptible to destructive and economically damaging wildfires.

Grass fires are a risk to pasture, grazing animals, croplands and plantations across the plains and undulating hills of Victoria’s Western District and North West. Significant grass fires occurred in 1944 (burning more than 1 million hectares of grassland) and 1977 (103,000 hectares), as acknowledged in the Esplin Report.²⁶

The 1944 fires that burnt 1 million ha of grassland and were economically more destructive than the 1939 fires in terms of their impact upon agriculture. A 1944

²⁴ ‘Between December 2006 and February 2007, wildfires burnt some 673,000 hectares of State forest in eastern Victoria. When added to the impacts of the 2003 Alpine fires, this means that about 47% of the State forest east of the Hume Highway has been burnt during the past four years.’

VicForests *Corporate Plan Highlights 2007/08- 2009/10* (2008) 5. Note: no longer available on VicForest’s website

²⁵ Department of Primary Industries *Bushfires Addendum* released as part of the *Timber Industry Strategy Public Consultation draft* (April 2009). Available at: <http://www.dpi.vic.gov.au/dpi/nrenfa.nsf/LinkView/24DCC9C122194540CA25740F0083BD4908298F38C858D7D2CA25741007A8261>

²⁶ Bruce Esplin, Dr Malcolm Gill, Prof Neal Enright, State Government of Victoria, *Report of the Inquiry into the 2002-2003 Victorian Bushfires* (2003) 8.

editorial in *The Age* reported '1.25 million livestock lost' in the 1944 fire, with the economic impact being much more serious than the 1939 forest fires.²⁷

Clearly fires burn outside forested areas, causing human and economic loss. A relative of one of authors of this submission died in the 1944 Western District farmland fires.

²⁷ Paul Collins *Burn, the Epic Story of Bushfire in Australia* (2006) 145.

1.4 Fire Dirty Trick campaign elements

The fire ‘dirty tricks’ campaign relies upon misinformation and ignorance, in order to create a false reality, for political and self-interest gains. The Royal Commission needs to examine the deliberate dissemination of misinformation regarding fuel reduction burns by self interest groups (including the native forest logging industry).

Key strategies of the misinformation campaign include the following:

- Deny fire suppression management is undertaken on public land.
- Misrepresent the views of opponents.
- Make false claims that wildfires are ‘preventable’, even under extreme weather conditions, if more fuel reduction had been undertaken.

1.4.1 Deny fire suppression management is undertaken on public land.

A key part of the ‘dirty tricks’ campaign is to simply deny, or fail to acknowledge, existing fuel reduction works are carried out on public land, including National Parks. Many of the people trying to place the blame upon conservation-minded groups talked negatively about levels of fuel reduction just days after Black Saturday. They used this tactic despite the fact that fuel reduction burns made little difference in the extreme conditions on Black Saturday.

Otways Case Example (February 2009)

Public statements made by Bill Middleton²⁸ (Stretton Group member) and former Liberal MLC Richard de Fegely²⁹ incorrectly stated that the Otways have been ‘locked up’ as National Park with the result no fuel reduction management is occurring on public land.

Over the last few years, extensive fire control work has been conducted behind Lorne. The strategy is to create a massive firebreak to stop a fire burning from one end off the Otways to the other. In 2007, fire control lines were constructed at Garvey, Sharps and Delaney roads. In Autumn 2008, an area well over 1000 ha was control burned to remove fuel loads in the Delaney area. To fully implement the fire suppression strategy more control burns are planned when it is safe to do so.

The Otway fire suppression work to date has occurred in consultation with the broad community including environment groups. This has included field trips organised by the DSE. Many members of the Otway Ranges Environment Network live in the Otways and want to see the forest made as fire-safe as possible.

All the Otway fire suppression strategy information is publicly available,³⁰ yet those pointing the finger conveniently ignore this.

²⁸ Jeff Whalley, ‘Clear Land or risk’, *Geelong Advertiser* (Geelong), 16 February 2009.

²⁹ ‘Local Lives at risk, says firefighter’ *Geelong Advertiser* (Geelong), 14 February 2009.

³⁰ For DSE Otway fire suppression facts sheets and other information see www.oren.org.au/issues/fire/fire_09.htm

1.4.2 Misrepresenting the views of opponents

Even though conservation groups have publicly stated that they support appropriate fuel reduction burns, the people pushing the dirty tricks campaign ignore this acknowledgment and continue with the mantra that all conservation groups are against all fuel reduction burns.

A significant strategy of the fire dirty tricks campaign is to ‘put words in the mouth’ of your opponents.

Amongst others, Mark Poynter, a well-known apologist for the woodchip industry uses this tactic:

The “green” lobby has strongly asserted that fuel reduction burning is of little value in preventing human life and property loss under exceptionally extreme conditions such as those on Black Saturday (“Fuel reduction burns made no difference on Black Saturday”, by Simon Birrell, Crikey, March 10, 2009). They have missed the point that the presence of lower fuel loads is a huge advantage in assisting to quickly control the 99 per cent of fires which occur under far less extreme conditions, and which may otherwise remain going for long enough to develop into uncontrollable firestorms when conditions deteriorate.³¹

However all articles and comments by Simon Birrell (one author of this submission) acknowledge that fuel reduction burns have a role to play. Similarly the article on the *Crikey* news website drew public comments which misrepresented Simon Birrell’s views. These comments were countered by a number of people, one of whom was moved to say that those making the attack were simply trying to knock down a straw man.³²

Dirty tricks campaigns are not new. In the mid 1990s, the native forest woodchip industry’s ‘dirty tricks’ campaign in Victoria focused on purporting that conservationists routinely attacked logging equipment, for example claims were made that sand was put into fuel tanks or screwdrivers into radiators. Some politicians still make these false claims.³³ This was said with no evidence.

The media believed these claims until OREN used police information to show that no conservationists had never been charged or convicted of the sabotage of logging equipment in the history of Victoria. Indeed the police information showed that many logging contractors had been found guilty and convicted of destroying their own equipment after investigations by police and the insurance industry following-up insurance claims.³⁴

³¹ Mark Poynter, ‘The politics of bushfires’, *Online Opinion*, 18 March 2009.
<http://www.onlineopinion.com.au/view.asp?article=8686&page=0>

³² Simon Birrell, ‘Fuel reduction burns made no difference on Black Saturday’ Crikey Media, 1 March 2009. <http://www.crikey.com.au/Politics/20090310-Fuel-reduction-burns-made-no-difference-to-Black-Saturday.html>

³³ Mathew Warron, ‘Ferguson stands up for forestry, spy tactics’, *The Australian*, 3 October 2006.

³⁴ See ‘Logging groups in sabotage, say police’, *Herald Sun*, 1 January 1997.

1.4.3 Make false claims that wildfires are ‘preventable’, even under extreme weather conditions, if more fuel reduction burns had been undertaken.

Claiming that extreme wildfires were “preventable” by fuel reduction ignores all the advice of numerous inquiries. Propaganda slogans such as ‘no fuel no fire’ as introduced by Wilson Tuckey³⁵ and now being followed up by supporters of the native forest logging industry³⁶ suggest that fuel reduction burning will prevent fire and hence people and property will be safe.

These irresponsible claims work to create a false sense of security prior to fires, and, following fire, can see blame misplaced onto forest management agencies.

Other people who claimed to be ‘experts’ also claim that fuel reduction burns would have saved lives, for example Phil Cheney as per Section 1.2 of this submission.

Such simplistic irresponsible slogans simply serve the interests of those using them while ignoring the findings of every past inquiry. For example Auditor General’s Report details the complex and problematic nature of fuel reduction burning as a wildfire suppression strategy:

4.2 Fuel reduction burning is not a panacea, and is only one of a suite of measures fire authorities can employ to mitigate the effects of wildfire. Fire management authorities must make decisions on the appropriate mix of measures for particular locations, taking into account issues like the severity of the season, proximity to residences, topography and vegetation.

4.3 In thinking about hazard management and wildfire, it is important to bear in mind 2 things. First, fuels are not the only fire hazards. A fire hazard can be a poorly sited residential area with an inadequate fire management plan. Second, fuel does not cause fire.

Climatic conditions of high temperature, dry air, high winds and dry land, coupled with lightning or human activity (deliberate or accidental), are the basis for wildfire. However, an accumulation of dry ground fuel will increase the intensity of a fire and contribute to its spread and attendant damage.

4.9 There are also limitations to the effectiveness of hazard management through fuel reduction:

- the burning is necessarily low intensity and does not always achieve a complete reduction in fuel levels; and
- **under extreme conditions, a wildfire may still burn across land which has recently been fuel reduced** (emphasis added).³⁷

³⁵ David McKenzie, ‘Fuel load is burning issue’ *The Weekly Times*, 18 Feb 2009;

“‘No fuel, no fire’ policy must be enforced: Wilson Tuckey’, FarmOnline, 11 February 2009.

<http://fw.farmonline.com.au/news/nationalrural/agribusiness-and-general/general/no-fuel-no-fire-policy-must-be-enforced-wilson-tuckey/1429709.aspx>

³⁶ ‘Carnell incites heated forest debate’ *Canberra Times*, 22 Jan 2003

Green Groups blamed for fuel build up. *The Age*, 22 Jan 2003.

³⁷ Auditor General, Victorian Government, *Fire prevention and preparedness* (2003); see Chapter 4 for fuel reduction issues, Sections 4.1 through to 4.10. http://archive.audit.vic.gov.au/reports_par/agp8804.html

1.5 Who are the ‘greens’ and what is the ‘green vote’?

1.5.1 Who are the “greens”?

The idea that the ‘greenies’ are to blame for wildfire disasters began in earnest after the Canberra January 18 2003 fires, with accusations about ‘locking up’ forest in National Parks, and lack of fuel reduction burns.

An analysis of media articles published shortly after the Canberra fires reveals the bulk of the anti-National Parks message were made by Federal MP Wilson Tuckey and Kate Carnell from National Association of Forest Industries (NAFI).³⁸

Just days after the Canberra fires, NAFI used the devastating fires to promote their self-interest – NAFI argued for logging in National Parks to reduce the fire risk.³⁹ Considerable editorial opinion noted NAFI’s and Tuckey’s self-interest in their position.⁴⁰

In his book, *Burn, the Epic Story of Bushfire in Australia*, Paul Collins describes blame after catastrophic wildfire as a psychological reaction to the fires.⁴¹ However Collins did not acknowledge that some interest groups might seek to exploit this psychological reaction to extreme wildfire events for political and personal gain.

In late 2003, Peter Clack published *Fire Storm, Trial by Fire* which again repeated these accusations against greenies.⁴² Concerning these accusations, Collins observed ‘[n]o evidence is offered for these assertions’ and ‘[c]learly Clack knows little about the diversity of environmentalists’.⁴³

Collins himself does not define who the ‘greens’ are.

However logging industry groups such as NAFI, have done research to define who they regard as “greens”.

OREN obtained a presentation by NAFI to a public relations conference held in the late 1990s. NAFI discussed research they conducted to determine public attitudes to forests and environmental issues. This research showed that, at the time, about 65%

³⁸ Paul Collins, *Burn, the Epic Story of Bushfire in Australia* (2006) 317-320.

³⁹ ‘Carnell incites heated forest debate’ *Canberra Times*, 22 Jan 2003

Green Groups blamed for fuel build up. *The Age*, 22 Jan 2003.

⁴⁰ Editorial Opinion ‘Not time for playing the blame game’, *Canberra Times* 21 January 2003; Emma Macdonald, ‘Criticism of firefighters “disgusting”’ *Canberra Times* 22 January 2003; Steve Lewis, Roger Martin, ‘Tuckey ignites war of words on blame – Summer terror’, *The Australian* 22 January 2003; Danny Buttler, ‘Green lobby blamed’, *Herald Sun* 23 January 2003; Alan Ramsey, ‘Many fiddlers, so Canberra burnt’ *Sydney Morning Herald* 25 January 2003; Editorial Opinion ‘Canberra’s firestorm reignites forest debate’ *Courier Mail* 25 January 2003; Val Plumwood, ‘We blame forests for fires, and refuse to change.’ *Canberra Times* 12 March 2003.

⁴¹ Paul Collins, *Burn, the Epic Story of Bushfire in Australia* (2006) 317.

⁴² Peter Clack, *Firestorm: Trial by Fire* (2003).

⁴³ *Burn, the Epic Story of Bushfire in Australia* (2006) 320.

of the Australian population could be defined as 'green' comprised of 'dark' and 'light' green as shown below.

COMMUNICATING FOREST INDUSTRIES

Presentation to "Timber and Forestry Conference"

By Don Mackay, Director Public Affairs, National Association of Forest Industries

To gauge the public view on environmental issues, including forestry, the Australian population can be divided into the following segments –

Dark Browns 5%

Light Browns 31%

Light Greens 51%

Dark Greens 14%

Looking at the demographics of these segments, the following word pictures emerge -

Dark Greens

Slightly more female, more likely to be 50 years and over, big consumers of radio and current affairs on TV. Much more likely to be watching and listening to the ABC. More likely to have voted Labor or Democrat at the last Federal election. This segment includes people as diverse young environmental activists through to socially concerned new-age Grandmothers. Strongly pro-environment.

Light Greens

More female based, even age spread, more middle class, higher household income, mostly aged 25 - 49. Again strong users of the ABC. They're socially aware, concerned about the environment but not extreme.

Light Browns

More male, more likely to be under 40 years old, upper middle or working class, low-middle household incomes, and big watchers of evening TV news. Lower uses of the ABC. Have a strongly pragmatic view of the environment. They have strong practical views when it comes to the environment.

Dark Browns

Slightly more male, even age spread, working class, big readers of daily newspapers, especially (tabloids) and very low users of the ABC. They support economic development and are concerned about jobs.

The NAFI presentation continues with a discussion of strategies to manage the "greens" from a loggers public relations point of view.

OREN does not dispute this research. (The full presentation by Don Mackay, on behalf of NAFI is available on the OREN website at:

www.oren.org.au/logging/who/nafi.htm)

1.5.2 What is the 'green vote', how did it influence the Otways, and what is the relevance to the fire issue?

The 'green vote' is not the people who vote for The Greens political party, but the 65% determined to be 'green' in NAFI's research. This is demonstrated below.

If it is assumed that at least 65% of the Australian population is a shade of green as defined by Mackay, clearly those who are 'green' dramatically out-number those who vote for the Greens political party, which may get about 10% of the primary vote at a State or Federal election.

The evidence from NAFI shows that the native forest logging industry is aware that the green vote reaches well beyond the Greens political party.

In a 2002 newsletter NAFI argued that votes for the Greens political party, and associated preference deals, 'have no outcome on the fate of Governments at all' – for three reasons. Firstly, they argue, the Greens vote is 'noticeably lower' in marginal seats. Secondly, because the Greens don't always preference the party promising the environmental outcome. Finally, NAFI argued that 'Greens preferences consistently split 3-1 in favour of the ALP'.⁴⁴

Even after Labor started the campaign with a promise to break their Regional Forest Agreements and end wood-harvesting in the Otway regrowth forests, the Greens refused to promise their preferences to the ALP.

"This just goes to prove you can never please the Green's political party," said Labor's Minister Sherryl Garbutt.

But even the much-vaunted preference deals may turn out to be of little value to the ALP.⁴⁵

In the 2002 State election the Greens political party candidates refused to preference the ALP in the key Geelong seat of South Barwon⁴⁶ despite the significant and electorally popular announcement by then Premier Steve Bracks for a new National Park and a ban on native forest logging in the Otways.⁴⁷

The Victorian State Government's Otway policy decision just prior to the 2003 wildfires was a huge blow to the native forest logging industry, an industry which claims that the decision was made for political reasons. This view is demonstrated in a report for the Victorian Association of Forest Industries (VAFI):

... in 2002 the Government announced that there would be no further logging in the Otways. This decision, which occurred just two years after the relevant RFA was

⁴⁴ NAFI newsletter issue 11, 27 Nov 2002, page 4. The whole article is available at <http://www.nafi.com.au/news/view.php?id=324>

⁴⁵ Ibid.

⁴⁶ Wade Pearce, AAP, 'Crucial preferences hinge on forest deal, Greens ultimatum' *Geelong Advertiser* (16 November 2002); 'Greens snub for Crutchfield' *Geelong Advertiser* (19 November 2002).

⁴⁷ Melissa Fyfe, 'ENVIRONMENT: Greening of the government' *The Age* (2 December 2002).

concluded, appeared to have been taken for political rather than scientific reasons. At any rate, even though it only reduced the State-wide resource available for harvesting by around 4 per cent, **the impact of this decision on the industry's confidence was severe. The industry representatives interviewed in the course of this project generally regarded the Otways decision as a watershed and felt that they no longer felt there was any policy certainty as regards the future resource available for harvesting** [*Emphasis added.*]⁴⁸

Additionally this extract shows that, along with NAFI, VAFI also believed the Otways decision was politically motivated. Hence the “green vote” from the native forest logging point of view is the 65% of the Australian population who might vote for environmental issues such as new National Parks.

Clearly groups like NAFI and VAFI have a vested interest in changing public opinion away from support for National Parks, in order to stop more Otway-style policy decisions.

NAFI and Federal Liberal MP Wilson Tuckey used the Canberra fire tragedy to start a dirty tricks campaign in a bid to shift the broad public's ‘green’ attitude away from support for National Parks.

This ‘dirty tricks’ campaign was successful in getting a large amount of media and public debate on these issues in 2003. The ‘dirty tricks’ campaign has continued by exploiting the “psychological trauma” of the 2009 Black Saturday fires, with the same media success.

1.5.3 Was it also about the ‘brown vote’?

There is no evidence whether the efforts of NAFI and Tuckey have changed public opinion against National Parks. However the impact of the anti-National Parks campaign upon the ‘brown vote’ should also be considered.

If it were assumed today that 35% of Australians are shades of ‘brown’, as defined by Mackay, then it is not unreasonable to assume that a significant minority of ‘brown voters’ are people who believe in the propaganda that greenies are to blame for the Black Saturday fires.

Both the National Party and Liberal Party contest the ‘brown vote’.

During the 2002 State election campaign, after the Great Otway National Park policy was announced by the ALP, the Liberal and National Parties competed over the so-called ‘brown vote’. In this instance the issue was over which conservative party would best represent the loggers’ interests.⁴⁹

⁴⁸ Allen Consulting Group *Victoria Forest Industries; an Economic Assessment* (2006) 47.
<http://www.vafi.org.au/documents/AllenReportMarch06.pdf>

See also VAFI 2003 *Annual report* (2003).

⁴⁹ ‘Logging support shaky: Nationals’ *Colac Herald* (27 November 2002); Tony Prytz ‘Mulder in row with Chant’ *Geelong Advertiser* (27 November 2002).

In the end the huge mandate from the ‘green vote’ given to Premier Bracks in his 2002 landslide election win resulted in the Liberals taking a pragmatic view with ‘green voters’ in mind and the Victorian State Liberals supported the passage of legislation to ban Otways logging and create a new National Park in 2005. The National Party used the opportunity in 2005 to spruik their brown vote credentials.⁵⁰

Following the Black Saturday, both Liberal and National members of parliament pushed the fire dirty tricks messages, seemingly in an attempt to capture additional support from the ‘brown vote’.⁵¹

1.6 Is this political posturing dangerous?

OREN and MWCN strongly argue that the fire dirty tricks campaign is irresponsible and dangerous.

As discussed the dirty tricks campaign spreads misinformation about: the effectiveness of fuel reduction burns, by focusing blame on the management and role of National Parks., and policies resulting from the ‘green vote’. This is done in order to further the interests of the groups and individuals responsible; to move public opinion away from conservation of natural landscapes and to procure the ‘brown vote’.

In doing this, the groups and individuals responsible attempt to mislead public opinion, attempt to change land management decisions against scientific evidence, and create a false sense of security within the community that fuel reduction burning could prevent extreme wildfires.

All this undermines the overall strategy to protect the community against the realities of extreme wildfire behaviour.

⁵⁰ Victoria, *Parliamentary Debates*, Legislative Council, 14-15 September 2005.

⁵¹ David McKenzie, ‘Fuel load is burning issue’, *The Weekly Times*, 18 February 2009; ‘Forests need management’, *Kalgoorlie Miner* 12 February 2009; ‘Bushfire terror Tuckey says sorry for tolerance of bad policy’, *Townsville Bulletin*, 11 February 2009; Rafael Epstein ‘Backburning in Victoria ignites political tension’, *AM ABC radio* 21 April 2009.

1.7 The Stretton Group

The Stretton Group was established in late 2003 and is very active in pushing anti-National Park, anti-conservationists messages. It is named after the Royal Commissioner into the 1939 Victorian wildfires, Justice Leonard Stretton.

Stretton Group membership comprises academics, retired foresters and politicians; all of whom have been long time supporters of the native forest logging and woodchip industry.

The Stretton group's convenor, Stewart McArthur, is the former Federal Member for Corangamite (1984 - 2007) and a farmer from Western Victoria. For many years McArthur was very active and vocal in his support of the clearfell logging of biodiverse Otways native forest (See Appendix 1). McArthur has been a key political ally for the native forest logging industry and passionately campaigned against the creation of a Great Otway National Park (See Appendix 1)

As recently as March 2009 McArthur convened a Stretton group meeting where he stated the Stretton Group's aims:

The Stretton Group are [sic] concerned about the impact of the environmentalist greens who have the city vote. Now they argue a case that green policies are good and yet they have very little understanding of the issues you will hear over lunch. The Federal Government have [sic] got their Environmental Act for all kinds of reasons to stop burning in the bush to locking up the National Parks.⁵²

Peter Attiwill, another Stretton group member is an academic who has been a notable apologist for clearfell logging of native forest for many years. Attiwill's research papers have been the "scientific" basis used by the native forest logging industry to justify clearfell logging of native forests.⁵³

The Stretton Group organises forums and seminars,⁵⁴ at which members and guest speakers routinely accuse "greens" and "National Parks" for destructive fire behaviour, with no evidence to back the claims. Seminar titles reflect these messages; titles such as *The Green Inferno*⁵⁵ and *Lock 'em up and let 'em burn*⁵⁶.

One Stretton Group event was titled *Forest Industries: Their Contribution to Global Sustainability* and involved a presentation by Tricia Caswell, then CEO of the

⁵² Stewart McArthur 'The Catastrophe Australia Had To Have Which Crippled Victoria', Speech to Stretton Group function, (18 March 2009) 7. www.roymorgan.com/resources/pdf/papers/20090303.pdf

⁵³ See for example: P.M. Attiwill 'Ecological Disturbance and the Conservative Management of Eucalypt Forests in Australia' (1994) 63 *Forest Ecology and Management* 301-346.

⁵⁴ *The Catastrophe Australia Had To Have Which Crippled Victoria*, Stretton Group function, (18 March 2009) 4. www.roymorgan.com/resources/pdf/papers/20090303.pdf

⁵⁵ Phil Cheney *The Green Inferno, the Politics of Bushfires and Conservation*, Inaugural Oration (25 November 2004).

⁵⁶ *Lock 'em up and let 'em burn* Public forum on Grampians and Anakie fires (23 February 2006).

Victorian Association of Forest Industries (VAFI).⁵⁷ This, again, reveals the connection between the Stretton Group and the native forest logging industry.

Stretton group members are very well organised. Within 48 hours of Black Saturday *The Australian* had published a piece by Stretton Group member David Packham 'Inferno stoked by green vote'.⁵⁸

Involvement of Allan Myers QC

Although initiated in 2003, the Stretton Group did not get much publicity until Allan Myers QC commented *pro bono* on the Esplin Report for the Stretton Group.⁵⁹ Myers challenged both procedural matters, and the conclusions and recommendations of the Esplin Report in his written comments.

Myers questioned the skills of the members of the Esplin Inquiry with regard to 'forestry management and fire prevention or suppression'. He criticised the Esplin Inquiry saying it:

...was in a position to make recommendations for the future about fuel reduction burning policies and observations about what would have been the effectiveness of fuel reduction burning in controlling and mitigating the effects of the 2003 north east Victoria fires.

In not making these recommendations Myers claimed this was 'serious deficiency in the Esplin Report amounting to an abdication of responsibility to properly fulfil its terms of reference'.

Myers noted that the Stretton Group had provided him with a number of documents. He did not acknowledge if he had read the Auditor General's Report *Fire prevention and preparedness* 2003.⁶⁰ The conclusions from both the Esplin Inquiry and the Auditor General's Report were similar with respect to fuel reduction burns.

Section 15 of Myers' opinion notes there has been a 'considerable decline in fuel reduction burning on public land, especially National Parks' and that submissions to the inquiry 'identified this as a major source of difficulty in preventing and controlling fires'.

Myers acknowledged that there are five chapters in the Esplin Report about fuel reduction burns and is critical of three of these. Another of these five chapters is not referred to by Myers: Chapter 10 which exposes in detail the competition for the resources required to conduct fuel reduction and logging coupe burn offs. The evidence shows post-logging coupe burns have been taking priority over fuel reduction burns. This is likely to be one reason for the reduction in fuel reduction burns for National Parks (See section 2.4).

⁵⁷ See list of forums and seminars in 'The Catastrophe Australia Had To Have Which Crippled Victoria', Stretton Group function, (18 March 2009) 4. www.roymorgan.com/resources/pdf/papers/20090303.pdf

⁵⁸ David Packham, 'Inferno stoked by green vote', *The Australian* 10 Feb 2009.

⁵⁹ Allan Myers QC, *In the matter of a report of the Inquiry of the 2002-2003 Victorian Bushfires: Memorandum* (15 July 2004).

⁶⁰ Auditor General, above n 7.

The Age provided a critical review of Myers opinion.⁶¹

As mentioned above, Myers' criticisms of the Esplin Report resulted in dramatically increased publicity for the Stretton Groups views and messages. The news reports included: 'How bushfire report got it wrong: QC's verdict';⁶² 'Bushfire inquest "too narrow", says QC';⁶³ 'QC criticises Victorian bushfire report';⁶⁴ 'Doyle seeks bushfires report review';⁶⁵ 'Why there's so much heat from bushfires';⁶⁶ 'A smouldering controversy';⁶⁷ 'Searching through the smoke for solutions';⁶⁸ and 'Farmers reject Esplin findings'.⁶⁹

Litigation promoted by Stretton Group

The Stretton Group have been encouraging individuals who were affected by the 2003 fire to sue the State government for damages, arguing not enough was done on public land to prevent the 2003 wildfires hence the State government is negligent and liable for damages.

This may be a legitimate course of legal action for parties involved, however, the Stretton Group's motivation may be to use the courts process to further their own agenda.

The Stretton Group has used the threat of legal action to generate considerable media about its activities despite it taking over four years⁷⁰ to get something into the courts after first making the claim that legal action would occur in 2004. Note that the Victorian Farmers Federation has questioned the wisdom of pursuing such legal action.⁷¹

- Bushfire 'failure' denied. By Paul Sellars. *Weekly Times*. 15 Sept 2004
- Truth remains burning issue. By Paul Sellars. *Weekly Times*. 15 Sept 2004
- Farmers seek \$500m compo. By Patrick O'Neil. *Herald Sun*. 19 October 2004
- Class action on alpine fires. By Carmel Egan. *Sunday Age*. 4 January 2009.

⁶¹ John Schauble, 'Why there's so much heat from bushfires', *The Age* (Melbourne), 5 August 2004.

⁶² Steve Waldon, Melissa Marina, 'How bushfire report got it wrong: the QC's verdict', *The Age* (Melbourne), 3 August 2004.

⁶³ 'Bushfire inquest 'too narrow', says QC', ABC, 3 August 2004.

⁶⁴ Nick McKenzie, 'QC criticises Victorian bushfire report', ABC, 3 August 2004.

⁶⁵ Melissa Marina, Misha Ketchell, 'Doyle seeks bushfires report review', *The Age* (Melbourne), 4 August 2004.

⁶⁶ John Schauble, 'Why there's so much heat from bushfires', *The Age* (Melbourne), 5 August 2004.

⁶⁷ 'A smouldering controversy', *The Age* (Melbourne), 6 August 2004.

⁶⁸ Melissa Marina, 'Searching through the smoke for solutions', *The Age* (Melbourne), 7 August 2004.

⁶⁹ 'Farmers reject Esplin findings', *The Weekly Times*, 11 August 2004.

⁷⁰ Peter Hunt, 'Writ seeks fire compo'. *Weekly Times*, 7 January 2009; Paul Sellars, 'Bushfire 'failure' denied', *Weekly Times*, 15 Sept 2004; Paul Sellars 'Truth remains burning issue', *Weekly Times* 15 Sept 2004; Patrick O'Neil 'Farmers seek \$500m compo', *Herald Sun*, 19 October 2004; Carmel Egan, 'Class action on alpine fires', *Sunday Age*, 4 January 2009.

⁷¹ Peter Hunt, 'Fires compo threat', *Weekly Times*. 21 March 2007; Peter Hunt 'Writ seeks fire compo'. *Weekly Times*, 7 January 2009.

1.8 Detailed analysis of Black Saturday dirty tricks media campaign

The following is an analysis of the ‘dirty tricks’ campaign, with a focus on the periods before and after the Black Saturday fires.

Before Black Saturday

As already discussed the NAFI began to engage in this campaign after the 2003 fires that burnt Canberra. (See Section 1.5.1 of this submission.)

During the 2007 Victorian wildfires, NAFI again falsely claimed National Parks and the conservation movement were responsible for the severity of the fires.⁷²

On the 21 January 2009 (only a few weeks before Black Saturday) NAFI once again put out the same propaganda, in anticipation that a serious fire might strike again.⁷³

After Black Saturday

Generally it was The Australian and Sydney Morning Herald, which published articles with the anti-National Park message, these newspapers predominantly communicate to audiences outside Victoria who were not directly affected by the fires.

The cartoon by Nicholson in the Weekend Australian acknowledged the vilification of ‘greens’.⁷⁴

The Crikey news website was critical of the editorial content in the Australian describing it as ‘obsessive, one-sided attempt to paint the fires as basically down to evil greenies’.⁷⁵

Media Watch on ABC TV described some the reporting in the Sydney Morning Herald on the 12th February by Miranda Devine as ‘hate mongering’.⁷⁶

It is interesting to note that, following the Canberra 2003 fires, the Sydney Morning Herald published an article by Miranda Devine with the same sort of accusations. This article also included comments from NAFI.⁷⁷

⁷² Catherine Murphy ‘Locking up forests increases the risk of destruction fires’, *The Age* 2 January 2007.

⁷³ Allan Hansard, Chief executive officer of National Association of Forest Industries, ‘Bushfires flame debate over National Park management’, *The Australian* 21 January 2009.

⁷⁴ Nicholson, *The Weekend Australian* 14 Feb 2009, 18.

⁷⁵ Guy Rundle, ‘The Australian’s fuel reduction obsession’ *Crikey Media*, 12 February 2009 <http://www.crikey.com.au/2009/02/12/the-australians-fuel-reduction-obsession/>

⁷⁶ Media Watch, *Green ideas must take blame for deaths*. ABC TV 16 February 2009. <http://www.abc.net.au/mediawatch/transcripts/s2493015.htm>

⁷⁷ Miranda Devine, ‘Greenies and their bogus Science help burn, Not save Trees’, *Sydney Morning Herald* 17 July 2003.

The Herald Sun and Age newspapers presented a more balanced reporting on the issues of fuel reduction burns.⁷⁸

Anti-National Park media Timeline (February – March 2009)

Saturday 7 February Black Saturday

Monday 9 February Native forest logging industry groups VAFI, NAFI and Timber Communities Australia put out joint Press Release. NAFI CEO Allan Hansard states ‘this is not time to be laying blame, or pointing the finger, particularly when the fires are still burning and Victorians are still to realise the full extent of the loss of life and homes’.⁷⁹

However on the same day Wilson Tuckey *did* start finger pointing, generating a large amount of media over the next few days.⁸⁰

(It should be noted that Wilson Tuckey is not new to extremist positions with regard forest management. In 2001 he claimed that giraffes or birds were the only animals that could survive in tall forests.⁸¹)

Tuesday 10-12 February A huge organised finger-pointing campaign singling out National Parks, greens, greens votes etc. This includes people who are also members of the Stretton Group and/or Forest Fires Victoria who write many of the finger pointing opinion articles.

It appears opportunistic that finger-pointing articles were being written so soon after Black Saturday.

Friday 13 February The State Government announce that the finger-pointing and laying blame at greens and the lack of fuel reduction burns in National Parks is unsubstantiated.⁸²

Monday 16 February NAFI and VAFI issue separate Press Releases on same day. NAFI CEO Allan Hansard contradicts the 9 February joint Press Release that called for no ‘finger pointing’ and no ‘laying blame’. Hansard falsely used the fire dirty tricks mantra as the cause of deaths on Black Saturday. ‘The current process of locking

⁷⁸ See Peter Kanowski, Professor of Forestry at the Australian National University in AAP, ‘Forest management “not to blame for fires”’ *Herald Sun* (Melbourne), 12 February 2009 http://www.news.com.au/story/0,23599,25044204-29277,00.html?from=public_rss; Brendan Mackey, from the Australian National University's Fenner School of Environment and Society & Kevin Tolhurst, senior lecturer in fire ecology and management at Melbourne University in Geoff Strong, Adam Morton, ‘Experts divided on benefits of building better, burning off’, *The Age* (Melbourne), 12 February 2009 <http://www.theage.com.au/national/experts-divided-on-benefits-of-building-better-burning-off-20090211-84te.html?page=-1>.

⁷⁹ VAFI, NAFI, TCA, *Media Release: Forest industry pledges assistance to rebuild communities devastated by bushfires*, 9 February 2009. <http://www.vafi.org.au/documents/2009%2002%2009%20Bushfire%20MR.pdf>

⁸⁰ AAP, ‘Fires caused by locking up forests, says Tuckey’, *Independent Weekly*, 9 February 2009.

⁸¹ Rob Taylor, ‘Tuckey makes greens see red’ *Courier Mail*, 23 April 2001.

⁸² *Don't blame greens, says state*, *The Age*, 13 Feb 2009.

forests up in conservation reserves and national parks with no ongoing fire management regime has proven to be fatally wrong.’⁸³

However VAFI refrains from finger pointing and announcing that it will raise issue through the Royal Commission process.⁸⁴

So why did VAFI refrain from finger pointing but NAFI did not? Maybe, given the State government had already made its position clear in the media regarding finger pointing, VAFI being the State organisation strategically did not want to be out of step with the State Governments and what is the truth of the matter. However NAFI seeing the huge amount of finger pointing media over the previous week and given it has historically been finger pointing, thought it was safe to diverge from the announcement made a week earlier.

Wednesday 18 February Geelong Advertiser publishes 600 word Opinion Piece by OREN, exposing some of the fire dirty tricks campaign elements and challenges the claims made by the native forest logging industry.⁸⁵

We assume that a press release VAFI wrote on the same day was in response to OREN.⁸⁶

VAFI claims their industry is critical to stop forest fires in Melbourne’s catchments. However VAFI did not raise the fuel reduction issue. VAFI omission of fuel reduction issues (which contradicts NAFI Press release of two days ago) may be an admission OREN’s views that exposed some of the fire dirty ticks campaign elements are correct.

24 March 2009 In a letter to the Crikey editor, VAFI admits that fuel reduction burns by itself are “not a panacea”. Again this contradicts the position of NAFI (16 Feb) that more fuel reduction burns would have saved lives on Black Saturday.

⁸³ <http://www.nafi.com.au/userfiles/media1/National%20bushfire%20summit%20urgently%20needed%20160209.pdf>

⁸⁴ <http://www.vafi.org.au/documents/MRs/2009%2002%2016%20VAFI%20welcomes%20terms%20of%20reference.pdf>

⁸⁵ http://www.geelongadvertiser.com.au/article/2009/02/18/52031_opinion.html

⁸⁶ <http://www.vafi.org.au/documents/MRs/Time%20to%20take%20action%20on%20catchment%20protection.pdf>

2.0 Native forest logging and wildfire

The same people promoting the dirty tricks campaign also claim that the removal of, or lack of, a native forest logging industry is a reason wildfires have become more severe.

For example, Federal MP

Mr Tuckey said fire fighters needed better access to fight fires.

"When you had a forests products industry ... we used to have roads and we used to have bulldozers."

That machinery was traditionally used to help put out a fire the day it started, he said.⁸⁷

On the 16 February 2009 VAFI put out a press statement announcing their intention to call for the Royal Commission to look into the 'timber industry's role in bushfire mitigation'.⁸⁸

Sections 2.1 to 2.5 of this submission dispel commonly used propaganda statements used by the Native Forest logging industry regarding their role in wildfire suppression on public land.

Sections 2.6 to 2.8 argue that native forest logging practices increase wildfire risk within the landscapes where it occurs.

2.1. Despite the native forest logging industry, major wildfires occur in State forest

Logging industry groups have argued the fire-fighting role to numerous inquiries only to have it dismissed. The recent big fires of Eastern Victoria in 2003, 2007 and 2009 have burnt some of the most intensively clearfell logged native forest in Australia, resulting in significant amounts of ash forests destroyed and then subjected to extensive salvage logging operations. The presence of a significant native forest logging industry has been unable to protect forests from fires in areas that are subjected to intensive logging practices.

The most recent inquiry by the Victorian State Government *Inquiry into the impact of public land management practices on bushfires in Victoria* looked into the issue of logging and fire on public land in Victoria.⁸⁹

Pro-logging groups (VAFI, NAFI, Timber Communities Australia) took the opportunity to assert that logging was critical in stopping fires. However the State

⁸⁷ AAP *Tuckey points the finger* Sydney Morning Herald, 10 Feb 2009.

⁸⁸ <http://www.vafi.org.au/documents/MRs/2009%2002%2016%20VAFI%20welcomes%20terms%20of%20reference.pdf>

⁸⁹ Environment and Natural Resources Committee, Parliament of Victoria *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria* (June 2008) 114-116.
http://www.parliament.vic.gov.au/enrc/inquiries/bushfires/Report/Bushfires_June_08.pdf

Government did not take this view, acknowledging a lack of evidence to support the pro-logging perspective:

The Committee was provided with little evidence regarding the effectiveness of timber harvesting in mitigating the scale and intensity of bushfires. The view that timber harvesting represents an effective bushfire mitigation tool has been rejected by leading forest ecologists, such as Professor David Lindenmayer of the Centre for Resource and Environmental Studies at the Australian National University, who has noted:

Despite reading more than an estimated 10,000 papers and reports on forests and forest management over the last 20 years, I have been unable to find any evidence to support the argument that logging is needed to protect forests from fire. There are many examples where major fires have occurred in areas that were previously heavily logged – the 1983 Ash Wednesday fires in Victoria is one of many cases.

Rod Newnham, Regional Manager West, Parks Victoria, also questioned the effectiveness of timber harvesting as a bushfire mitigation strategy:

I have been involved in managing fires that have gone straight through areas where timber harvesting has been going on for quite a long time as well. Personally I cannot say I have noticed less fires where there has been timber harvesting, if that is what you are actually asking about (citations omitted)⁹⁰

Over the past decade the native forest logging industry has routinely threatened to withdraw logging equipment to fight wildfires in communities that are opposed to logging.⁹¹ The political motivation behind the threat implies that the native forest logging industry is critically important in wildfire suppression.

With respect to the ban on native forest logging in the Otways (Western Victoria) an extensive private forestry (plantation) logging industry with its associated equipment still continuing in the Otways. For example during the bad fire season of January 2003 a wildfire was started by a CFA arsonist. The fire was put out with assistance from equipment proved by private plantation owners.

With respect to the proposed additions to National Parks for East Gippsland, many of the areas to be added be made permanent reserves are already informal reserves. Other areas where logging was occurring are made up of lots of relatively small areas (in the 5000 to 50 ha range) that will be joined to large existing large national parks. Logging will still occur nearby.

State forest that has burnt in recent fires:

1. More than half the public land burnt in 2006/07 was State forest, as acknowledged by VicForests:

The 2006/07 fires burnt about 1.1 million hectares of national park and State forest in Victoria, including 673,000 hectares of State forests east of the Hume Highway⁹²

⁹⁰ Ibid 176-177.

⁹¹ 'Union fire threat to Surfcoast', *Colac Herald*, 10 December 1999
<http://www.oren.org.au/logging/who/unionsurfcoast.htm>: 'Loggers refuse to fight bushfires', *Mountain Views Mail*, 22 January 2008 <http://www.starnewsgroup.com.au/story/53693>

⁹² VicForests, *Annual Report 2007* (2007) 20.

2. Overall 47% of Eastern Victoria's State forests have been burnt in major wildfires in between 2003-2007, as acknowledged by VicForests:
 Between December 2006 and February 2007, wildfires burnt some 673,000 hectares of State forest in eastern Victoria. When added to the impacts of the 2003 Alpine fires, this means that about 47% of the State forest east of the Hume Highway has been burnt during the past four years.⁹³

3. As a result of the fire, VicForests have conducted a huge amount of 'salvage logging'. Despite savage logging, and the presence of a native forest logging industry, wildfire has reduced long-term sawlog supplies.
 The 2003 and 2006/07 wildfires have resulted in a decrease in the area of State forest available for harvesting and in the proportion of available mature forest compared with regrowth forest across eastern Victoria. As a result, the long-term supply of sawlogs is predicted to decrease by about 2%. This represents a major reduction in log supply to the Victorian native forest timber industry.⁹⁴

4. At the time of writing this submission it is unknown how much State forest was burnt in the 2009 fires. Although, clearly, significant areas of State forest were burnt despite the presence of the native forest logging industry, as acknowledged by the Department of Primary Industries:
 The bushfires have burnt extensive areas of State forest that VicForests relies on for timber supply. At the time of publication, VicForests estimates that the fires have burnt around 25,000 hectares of merchantable native forest: particularly Ash forests in the Central Highlands region. Plantation companies and farm forest landholders are reporting total losses of around 20,000 hectares of softwood and eucalypt timber plantations.⁹⁵

2.2. Logging industry has not been 'locked out'

It has often claimed that there has been a decline in the logging industry overall due to an increase in national parks and therefore wildfires have increased.

For example:

The reduction of timber harvesting on public land in recent decades was the traditional land use most commonly identified by stakeholders as having negative implications for bushfire severity and the ability of agencies to respond.

A significant number of stakeholders cited changes to land tenure, primarily for flora and fauna conservation, as a major explanation for the reduction in the area of Victoria's public native forest in which timber harvesting is

⁹³ VicForests *Corporate Plan Highlights 2007/08 - 2009/10* (2008) 3. Note: no longer available on VicForest's website

⁹⁴ VicForests, *Sustainability Report 2008* (2008) 19.

⁹⁵ Department of Primary Industries *Bushfires Addendum* released as part of the *Timber Industry Strategy Public Consultation draft* (April 2009). Available at: <http://www.dpi.vic.gov.au/dpi/nrenfa.nsf/LinkView/24DCC9C122194540CA25740F0083BD4908298F38C858D7D2CA257410007A8261>

conducted.⁹⁶

It has been claimed that five government processes resulted in a decrease in the area where logging can occur.

Some of the more significant developments which have reduced the area of State forest available for timber harvesting in recent decades include:

the Victorian Timber Industry Strategy of 1986, which first implemented Forest Management Plans for state forests;

the Regional Forests Agreements between the Victorian and Commonwealth governments, signed between 1997 and 2001, which increased reserves in Victoria by more than one third;

the Victorian Government's *Our Forests, Our Future* strategy, which introduced a reduction in sawlog volumes of approximately one third across the state in 2002;

the phasing out of logging in the Otways in 2008; and

the review into timber harvesting in old growth forests in East Gippsland. (citations removed)⁹⁷

This is not true. Three of these processes only placed restriction on the amount of logging, they did not reduce the area where logging can occur.

Processes such as the Forest Management Plans and Regional Forest Agreement and the review into East Gippsland old growth took away very little timber resources relative to what was available. Many areas put into reserves were ecosystems that traditionally have little or no timber value anyway (such as heathland and dry low rainfall forests).

The *Our Forests Our Future* strategy (OFOF) reduced the rate of logging across Victoria by 30% but did not actually create any new reserves. The fact this process cut logging by a dramatic 30% across Victoria was due to the native forest logging industry having over exploited the resource. The Native forest logging industry only has itself to blame for these job cuts.

Hence it is not simply not true to say that loggers have been 'locked out' of native forest in Eastern Victoria where all the major fires of 2003, 2007 and 2009 have occurred.

2.3 Logging roads and tracks for fires fighting.

⁹⁶ Environment and Natural Resources Committee, Parliament of Victoria *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria* (June 2008) 169.
http://www.parliament.vic.gov.au/enrc/inquiries/bushfires/Report/Bushfires_June_08.pdf

⁹⁷ Environment and Natural Resources Committee, Parliament of Victoria *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria* (June 2008) 170.
http://www.parliament.vic.gov.au/enrc/inquiries/bushfires/Report/Bushfires_June_08.pdf

It is argued that logging is critical in the maintenance of roads and tracks for fire-fighting purposes in State forests.

For example, VAFI made a submission to the *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria, June 2008*. It made the following claims regarding access roads and tracks in State Forest, and purported to cite the Victorian Auditor General.

The timber industry either directly or through the revenue it generated has traditionally provided a network of roads that provide good access to fire fighters. Roads suitable for log trucks are suitable for fire tankers. Roads and tracks are used for control lines for wildfires, back burns and controlled burns. The removal of the industry from large parts of the forest estate over the past two decades has reduced this contribution to the construction and maintenance of this road network. The standard and condition of the network needs to be significantly improved (VAGO 2003).

VAGO (2003) Fire Prevention and Preparedness. Victorian Auditor Generals Office. Melbourne May 2003 176pp.

However the Victorian Auditor General did not make any statements such as those claimed by VAFI. Instead the Victorian Auditor General made the point that the location and design of roads ‘over a long period’ in State forests may be of little or no use from a fire fighting perspective. The network of roads for logging would necessarily be included within this description.

8.75 We found that the current road network has developed over a long period without an objective assessment of road access needs from a fire prevention and suppression perspective. An important consideration in making this assessment should be the current condition of the roads and tracks, service delivery needs, and the costs and benefits of continuing to maintain this infrastructure to an acceptable standard.⁹⁸

The majority of roads constructed for logging are temporary ‘dead end’ tracks. It is unlikely they have any strategic fire fighting value.

According to VicForests, at least 70% of the native forest sawlogs are Ash species sawlogs which come from moist montane forest.⁹⁹ However fuel reduction burning is not conducted in wet forest as they naturally only burn unless under extreme weather conditions like Black Saturday.¹⁰⁰ The Commonwealth Government report, *A Nation Charred* noted that fuel reduction burning does not occur in moist montane forest.¹⁰¹

⁹⁸ Auditor General, Victorian Government, *Fire prevention and preparedness* (2003); see Chapter 4 for fuel reduction issues. http://archive.audit.vic.gov.au/reports_par/agp8804.html

⁹⁹ VicForests *Corporate Plan Highlights 2007/08 - 2009/10* (2008) 5. Note: no longer available on VicForest's website

¹⁰⁰ AAP ‘Forest management ‘not to blame for fires’ *Herald Sun* (Melbourne) 12 February 2009. http://www.news.com.au/story/0,23599,25044204-29277,00.html?from=public_rss

¹⁰¹ House of Representatives Select Committee into the recent Australian bushfires, Commonwealth of Australia, *A Nation Charred: Inquiry into the Recent Australian Bushfires* (November 2003) 82.

Hence there can be limited value in the assertion logging roads assist to any great deal in fuel reduction burning efforts.

Claims that National Parks will result in the closure of roads are often unsubstantiated. In 2006 a claim was made by a anti-National Parks group 'Our Parks' that access tracks were being closed as a result of the new Great Otway National Park.¹⁰² However when challenged by OREN to name the tracks that had allegedly been closed, the claim was publicly retracted.¹⁰³

In reality new permanent fire access tracks have been created in the Otways since the Great Otway National Park was announced, for example Link Track - Delaneys track in the western Otways.

¹⁰² David McKenzie, 'Are the Otways Next To Burn', *Colac Herald* 30 January 2006.

¹⁰³ Steve Drill, 'Road claims queried', *Colac Herald*, 8 Feb 2006.

2.4 Fuel reduction burns vs post-logging regeneration burns

Section 10 of *Report of the Inquiry into the 2002-2003 Victorian Bushfires* includes an analysis of fires deliberately lit by DSE between 1992 and 2003.

Section 10.34 examines the number of days on which prescribed fires actually took place each year, the area of burns for ecological, regeneration or fuel reduction, and trends through time.

Figures 10.1 and 10.2 reveal that so-called regeneration burns represent 63% of prescribed fires. (Note: OREN disputes the idea that native forests ‘regenerate’ when they are burnt after clearfell logging.)

10.40 For most districts, especially the Gippsland Region, ‘slash fires’ or ‘regeneration burns’ are by far the most common prescribed-fire type, representing 63 per cent of all planned fires. Prescribed fires for fuel reduction account for 33 per cent of fires and ecological burns for three per cent (Figure 10.1). Variations in the number of regeneration burns reflect the distribution of native timber resources across the regions. However, the area burned by prescribed fire type (Figure 10.2) shows a very different pattern, with regeneration and ecological burns representing only a small percentage and prescribed fires for fuel reduction accounting for more than ninety per cent of total area burned. This indicates that there are a large number of very small area regeneration burns, and a smaller number of much larger area burns for fuel reduction.

The inquiry noted that between 1992 and 2003 resources could have been diverted away from fuel reduction burns to focus on the burning of logging coupes.

10.36 (1) A very large number of fires in most districts of the North East and Gippsland Regions are regeneration burns and so do not address fuel reduction issues across broad areas. The requirement to undertake regeneration burns in logging coupes as a priority may limit the time (and remaining suitable weather days) available to complete planned burns for fuel reduction. Such a limitation could be overcome if there were more crews and equipment, or if the requirement for regeneration burns decreased significantly (for example, through a reduction in annual area logged).

(2) The number and area of burns for fuel reduction has declined more markedly through the 1990s than has that for regeneration burns.

This implies either:

- A reduction in resources available for delivery of burn programs (for example, reduction in staff numbers and budget); and/or
 - A strategic diversion of resources to other activities deemed to be more important.
- The Inquiry understands that privatisation of the plantation forestry and water supply sectors – and cuts to budgets – have been accompanied by a reduction in staff employed to manage fire (as noted earlier in this Chapter).

(3) The seasonal window of time for management burning is narrow: nearly all management burning occurs in autumn (mostly in March and April).

(4) The inability to regularly use Saturdays and Sundays for management burns within the narrow windows of time available eliminates some suitable fire days from use. This is a resourcing issue that might profitably be reviewed.

Section 10.36(1) nominates a reduction in logging rates so fewer coupes burns-offs are needed, resulting in less competition for resources during the critical time burns-off are done.

This has in fact happened with logging rates reduced by 30% as part of the State governments OFOF process. In Western Victoria clearfell logging native forest has been banned in the Otways, Portland and Wombat forest Management Areas. This ban has effectively removed the issue of logging practices competing with resources for fuel reduction burns.

Parliamentary Committee failed to acknowledge competition for resources between fuel reduction and logging coupe burn-offs.

The State government Parliamentary Committee also examined the issue of logging coupe burn-offs competing with fuel reduction burns.¹⁰⁴

The Parliamentary Committee received advice from DSE (Submission 168E) that VicForests now assume responsibility for regeneration burns. However the Submission states that only monetary remuneration is received, the actual work is still done by the same limited pool of people and resources.

From item 12 of DSE Submission168E

Q: If DSE staff are involved in the conduct / monitoring of regeneration burns, what proportion of DSE's total personnel costs for the prescribed burning program are accounted for by such work?

A: Expertise and capability for fire management rests primarily with DSE, and so DSE staff, project fire fighters, aircraft & communications are fundamental to the conduct of regeneration burns.

As exposed by Esplin (2003) and discussed above, there are limited resources and time available for both logging coup burns and fuel reduction burning. DSE being reimbursed financially for conducting so-called 'regeneration' burns by VicForests does not do anything to solve the fundamental problem which is the limited qualified personnel, time and equipment available. These limiting factors are not resolved simply by the reimbursement of costs by VicForests. The Parliamentary Committee failed to acknowledge or discuss this critical issue in their report.

Hence there is no basis for the Parliamentary Committee Finding 2.4:

¹⁰⁴ Environment and Natural Resources Committee, Parliament of Victoria *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria* (June 2008) 115.
http://www.parliament.vic.gov.au/enrc/inquiries/bushfires/Report/Bushfires_June_08.pdf

The Committee finds that there is no evidence of an adverse impact by forestry operations on the level of prescribed burning.

On the 5 May 2009 the Environment Minister announced:

The Brumby Labor Government's fire agencies will work with communities to implement a five-year \$52.7 million fuel reduction burning program to reduce the risk of bushfires across Victoria, as part of a \$116.2 million package for parks and biodiversity.

To our knowledge the State Government has not explained exactly how this \$52.7 million is to be spent and why it is needed. Is this money over and above what is already being spend on fuel reduction burns? If so, is the allocation of additional money an acknowledgment that logging coupe burns offs have historically drawn resources away from fuel reduction burns so expand resources are now needed?

There is a need for more public disclosure regarding why this \$52.7 million is needed and what it will be spent on.

Does regrowth after logging hinder fuel reduction burns?

On page 116 the Parliamentary Committee states:

The Committee received no evidence of an adverse impact by forestry operations on the opportunities for fuel reduction and ecological burning.

Yet in evidence from DSE submission 168C, DSE stated that regrowth after logging that is over 10 years old makes fuel reduction burns more difficult:

However, more mature regrowth does burn vigorously as fire danger increases, and there are periods in the forest growth cycle where regrowth is both flammable and susceptible to damage by fire. While in this flammable and vulnerable state, the presence of regrowth makes managing prescribed burning more difficult. Patchy regrowth from minor forest uses is most difficult to protect.¹⁰⁵

The cumulative effect of the clearfell logging over the past 40 years means extensive areas of State forest have been converted to even-age stands of 'mature regrowth' over 10 years old; these 'burn vigorously'.

Simon Birrell has taken photos of several logging coupes burnt early in the Murrindindi fires (before the fire got to Marysville) that show regrowth following logging did in fact burn 'vigorously' on Black Saturday.

The Parliamentary Committee did not follow up with questions such as:

- How much mature regrow exists, does it burn more vigorously than unlogged native forest?
- Is there an issue with mature regrowth near towns and settlements?

¹⁰⁵ Submission 168C page 13

Additionally DSE acknowledged fuel reduction burns are difficult to conduct near mature stand of re-growth. This prompts additional questions:

- Does mature regrowth mean fuel reduction burns are less likely to occur given they are *susceptible to damage by fire*?
- If so, does past logging near towns and settlements mean fuel reduction burns are less likely to be done to protect regrowth that is in a *flammable and vulnerable state*?

Again there is no basis for the Parliamentary Committee Finding 2.4. DSE did, in fact, provide evidence that there are issues. The Parliamentary Committee failed to follow up DSE evidence.

2.5 Current logging practices on public land are drying out wet forests.

Over 70% of the Victorian sawlog output is sourced from wet sclerophyll forests (ash and mixed species forests).¹⁰⁶ Official scientific research shows the practice of clearfell logging is making wet sclerophyll forest drier and more fire prone.

The concept that intensive timber harvesting establishes a plant community more typical of drier environments was also supported by the models of species such as *Cyathea australis* and *Dicksonia antarctica* (tree-fern) and the general decline in moisture dependent species such as epiphytic ferns.

While the initial decline of tree-ferns in this community is no doubt related to the mechanical disturbance and intense regeneration burn associated with timber harvesting, their consistently lower occurrence in regrowth forests for at least 30 years reflects the persistence of drier conditions. These changes in site floristics probably remain until the next disturbance event, as suggested by Purdie and Slatyer (1976), although the loss of tree-ferns as a prominent feature of any community may persist much longer because of their slow growth rate.¹⁰⁷

Other government and academic reports also show that current logging practices are drying Victoria's wet forests.¹⁰⁸

¹⁰⁶ VicForests *Corporate Plan Highlights 2007/08 - 2009/10* (2008) 5. Note: no longer available on VicForest's website

¹⁰⁷ *Impacts of intensive timber harvesting on the forests of East Gippsland, Victoria*. Conservation & Natural Resources, VSP Technical Report No. 15. S.G. Mueck & R.J. Peacock

¹⁰⁸ Dept. Conservation and Environment, Flora and Fauna, *Floristics, Fire and Clearfell in Wet Forests of the Central Highlands, Victoria*. VSP Technical Report No. 11 (1992); Peter A. Gell, Ian-Malcolm Stuart and J. David Smith, *The response of vegetation to changing fire regimes and human activity in East Gippsland, Victoria*, *The effects of clearfell logging on tree ferns in Victoria Wet Forest*, DNRE Flora and Fauna branch. Nov 1996

2.6 Logging practices and coupe burn offs routinely start wildfires

DSE submission 168C to the State Government's 2008 Parliamentary Inquiry acknowledges that forest industry practices start fires, however this was not acknowledged in the reports of the Parliamentary committee.¹⁰⁹

From submission 168C:

There are also instances and records of forest industry activities impacting on starting fires through ignition from machinery and chainsaw operations. Opening new forest roads and tracks increases access, and while this can assist in getting to fires, it can also lead to more ignitions. Close to 25% of human caused fires on public land occur within 100 meters of roads and tracks and nearly 90% occur within one kilometre.

However one issue DSE submissions did not mention is the fact that the routine practice of burning areas after clearfell logging is a frequent cause of serious wildfire.

In one example, smouldering logs left unattended for months ignited into a major bushfire that burnt out 600ha within the Tanjill and Tyers water supply catchments in 2006. This fire put Melbourne's nearby domestic water supply catchments at risk. (If necessary, photos of smouldering logs before fire started can be supplied.)

Regeneration burns blamed for Erica fires

The Department of Sustainability and Environment (DSE) is blaming last week's fires at Erica on regeneration burns in logging coups. The department's acting chief officer for fire and emergency management, Liam Fogarty, says the burns were started four months ago. He says they remained smouldering underground and in hollow logs right through the dry winter and were reignited by last week's hot winds. The DSE is using planes fitted with infra-red heat detectors to scan the state for smouldering hot-spots from last week's fires and regeneration burns.

Source: ABC Radio online 17 Oct 2006

Further examples of other media reports regarding fires which began due to logging practices:

Logging fires hit catchments

The State Government has admitted that it lost control of five fires connected to logging operations most of them in Melbourne's water catchments.

Source: Age 10th May, 2004

Fire crews battle logging site blaze

Nearly 200 fire-fighters were last night working to control a blaze that broke out at a logging site in the Otway Ranges on Tuesday night. The fire burnt about 80 hectares of native forest south of Kennedy's Creek, 40 kilometres south-west of Colac, the Department of Natural Resources and Environment said. The department's State Fire

¹⁰⁹ All submissions are available at the Parliamentary website:
<http://www.parliament.vic.gov.au/enrc/inquiries/bushfires/submissions.html>

Co-ordinator, Mr. Richard Alder, said crews expected to have the fire controlled by this morning.

Source: The Age, 13/1/2000

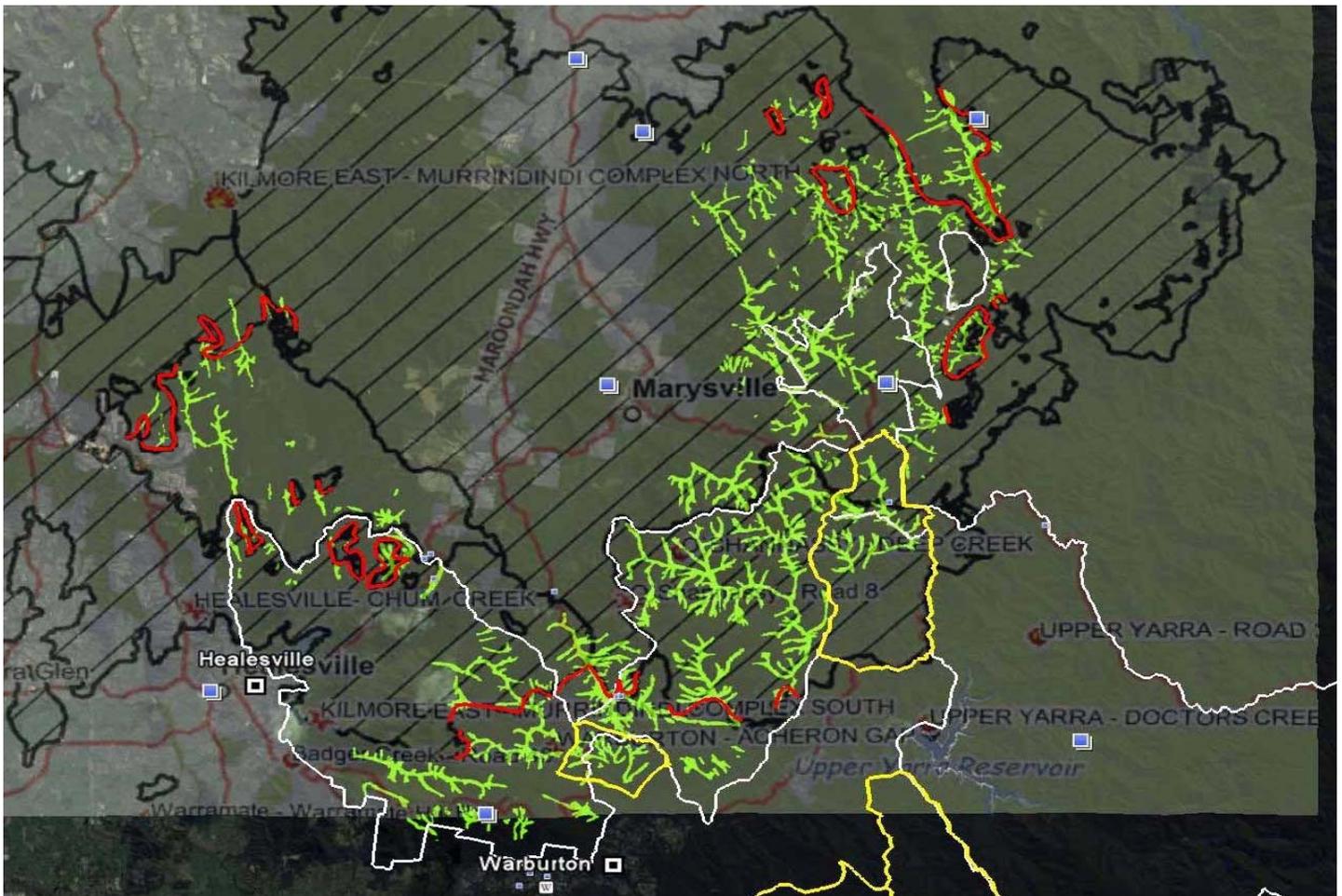
Given the level and extent of native forest logging, particularly close to catchments and towns, two actions are required:

- DSE should disclose all the fires which start as a consequence of logging practices so an assessment of the risks to communities and water supply catchments can be assessed.
- If logging practices are the cause some wildfires on public land then VicForests should be made to pay the costs of putting out such fires.

2.7 Rainforests act as natural fire buffers

Rainforests act as natural wildfire buffers. Logging practices threaten rainforest, undermining the ability for rainforest stands to act as natural fire breaks in the landscape.

The following Google Earth maps are overlays showing the location of rainforest stands (light green lines) and a map showing the extent of the Kilmore and Murrindindi fire (black cross hatch). The red lines represent where the edge of the fire coincided with rainforest stands. (The white line is the National Park boundary.)



Rainforest plant communities are defined as species that are not fire tolerant, that is they will die easily as a consequence of a hot fire however, as a plant community, rainforest stands are also fire resistant. In the words of Victoria's leading rainforest expert David Cameron:

In view of the dominate role of fire as the primary agent of rainforest disturbance, it is proposed that rainforest be redefined, conceptually, as an example of 'fire – sensitive' forest characterised by a combination of fire proof site characteristics and fire-resistant or fire-retardant vegetation characteristics.¹¹⁰

In the Central Highlands some rainforest stands have not naturally experienced wildfire for thousands of years. I have been informed (by rainforest expert David Cameron) that research has shown some rainforest stands in the Otways have not experienced wildfire for more than 10,000 years.¹¹¹

Photos taken of the O'Shannassy catchment show that some larger rainforest stands did not completely burn, despite the extreme weather conditions on the evening of Black Saturday.

Wildfire will damage the edge of rainforest stands depending of the severity of the fire. The more extreme the fires, the more damage to the rainforest species and in some cases the whole stand can be destroyed. Core areas of rainforest survive wildfire as they are naturally moist wet places. Rainforest stands are a bit like a sponges which retain moisture, even in under drought conditions. Hence a wildfire might singe or burn the edge of the rainforest stands but the wet core remains intact.

After fire, eucalypt species will regenerate in place of burnt out rainforest species. However if the core of a rainforest stand is not destroy by fire, which is often the case, over time rainforest species spread from the core and re establish again were they where burnt out. If there is no a fire in the life cycle of the ash tree (up to 500 years), the ash dies out the rainforest species again dominate the area. Hence within natural landscapes, rainforest stands are constantly shrinking and expanding by fire frequency cycles that are hundreds of years apart.

Are logging practices undermining the effectiveness of rainforest to slow and stop the spread of wildfire?

If it is assumed that rainforest communities helped contain the Black Saturday fires, it should follow that human activity that undermines the fire resistant nature of rainforest in the landscape should be scrutinised.

More than half of the rainforest in Victoria is found in State forests where logging is permitted.¹¹²

¹¹⁰ Cameron D.G. 'A portrait of Victorian rainforests: distribution, diversity and definition' in Peter Gell, David Mercer (eds.) *Victorian rainforests: Perspectives on definition, classification and management* (1992).

¹¹¹ Pers. Comm..

¹¹² <http://www.vicrainforest.org/extent.php>

In general if logging is permitted near rainforest stands then buffers are applied. If a rainforest stand is less than 0.4 ha then logging is allowed to destroy that stand.¹¹³

For larger stands, a 20 or 40 metre buffer might be applied. Rainforest that has been classified as of State or National Significance might get a 60 metre buffer and or sub-catchment protection for core stands.

Given that 10 year regrowth burns vigorously (see section 2.4) , it is not known if logging practices and buffers will undermine the rainforests' ability to withstand wildfire. Two key issues:

- If only a 20 to 40 metre buffer is applied it is more likely sunlight can get in, drying out rainforests stands and making them less able to withstand fire. The rainforest might not die off but it will have lost its ability to stay moist and resist the next fire.
- The natural recruitment and expansion of rainforest is being undermined by the logging of small rainforest stands (less than 0.4 ha) and applying only thin 40 metres buffers. Often emergent rainforest can be seen re-establishing 60 metres or further away from the main rainforest stand. However the emergent rainforest is outside the 20 metre to 40 metre buffer and is logged.

There has been a push to increase buffers to 60 metres for all rainforest in the Central Highlands to protect against the die back disease myrtle wilt.¹¹⁴ However the logging industry has resisted these changes as about 500ha of ash forest would be lost to logging buffers were extended this far.

Salvage logging has occurred in many areas affected by fires over the past few years. Consequently, this has reduced the sustainable sawlog yield. Therefore it would be in the best interest of the logging industry to support measures designed to make the landscape as fire-proof as possible. Especially given that fuel reduction burning is not an option in the ash forests.

The MWCN plans to conduct more research on this issue and provide further submission to the Royal Commission in due course.

¹¹³ See also: <http://www.vicrainforest.org/buffers.php>

¹¹⁴ See: <http://www.vicrainforest.org/codereview.php>

Appendix 1: Otways Fire Dirty Tricks Campaign

Until the end of 2002 the fuel reduction issue was almost non-existent within the debate over logging and National Parks in the Otways.

However the loggers' union did threaten to withdraw logging equipment to fight fires if they did not get their way (see section 2.1 of this submission).

Former Federal member for Corangamite, Stewart McArthur (now convenor of the Stretton Group, see Section 1.7) routinely attacked what he called the "greens" stand against woodchip driven logging in the Otways.¹¹⁵

In 1999, during the West RFA process McArthur invited Wilson Tuckey and Forestry Union leader Michael O'Connor to address a pro logging meetings in Colac.¹¹⁶

Many people in the community were opposed to McArthur's views. In response, McArthur was the subject of an intense (but unsuccessful) political campaign to unseat him during the October 2001 Federal election.

At this stage McArthur was putting out detailed pro-logging propaganda; this contained very little about fuel reduction burns and wildfire issues.

This included *Facts no fiction. Why I support sustainable forest harvesting*, a six page flier published by Stewart McArthur.

This flier referred to Professor Peter Attiwill's research, which is frequently used to justify clearfell logging. (As noted above Attiwill is an active member of the Stretton group).

University of Melbourne Botanist Associate Professor Peter Attiwill, shows that planned logging can create the disturbance of the forest that is needed for species to regrow.

• *Dr Attiwill writes in a 1994 report:*

"by harvesting we create a mosaic of classes so that diversity is maintained for the future."

"For those eucalypt forests which depend on catastrophic disturbance for their perpetuation, this planning is, in my view, essential!"¹¹⁷

Early in the November 2002 Victorian State election, former Premier Bracks Announced all logging would end in the Otways by 2008 and a new expanded Otways National Park would be created.

¹¹⁵ Stewart McArthur, 'Green fairy tails from the disenchanting forest', *The Age* 17 September 1996; 'Lets focus of forest facts - not fiction' *Geelong Advertiser* 14 March 2000.

¹¹⁶ 'Industry and union host forestry minister' *Colac Herald*, Wednesday 19 1999, 3.

¹¹⁷ P.M. Attiwill 'Ecological Disturbance and the Conservative Management of Eucalypt Forests in Australia' (1994) 63 *Forest Ecology and Management* 301-346.

Less than a week after the devastating 2003 Canberra fire, McArthur began to link the Bracks policy to create a Great Otway National Park to the cause of the next major wildfire in the Otways. McArthur publicly endorsed Wilson Tuckey's National Park 'finger pointing'. The State Government condemned McArthur. Former Minister for the Environment John Thwaites described McArthur's comments as 'disgusting', with a newspaper article saying 'he accused McArthur of using this week's fires for political reasons'.¹¹⁸

McArthur continued arguing with letters to the editor"¹¹⁹

Sustainable timber harvesting helps reduce understorey fuel load. It brings better access for fire fighting vehicles. This advantage will disappear if logging in the Otways is stopped in 2008. As good as they are, fire fighters along won't save us from a disaster.¹¹⁹

Other letters dismissed the claims by McArthur.¹²⁰

In April 2003, Tuckey set up a House of Representatives Committee to investigate the 2003 fires. McArthur was appointed to a Parliamentary Select Committee on Bushfires, and continued to use the fire threat issue to attack the Great Otway National Parks. However the NSW and Vic State government boycotted the process claiming it was politically motivated.¹²¹

The Victorian Environmental Assessment Council (VEAC) was asked by the State Government to conduct a study to determine the boundaries of a new expanded Great Otway National Park for the Otways. This was undertaken in 2003 and 2004.

The State Government, OREN and VEAC came under attack from local anti-National Parks groups that began their own fire scare campaign in the local media¹²² and wrote submissions to VEAC. Again, letters to the editor dismissed their claims.¹²³

The VEAC Discussion Paper provided detail on the wildfire issue for the Otways. Fuel reduction burn with insight from the recent 2003 Canberra fires included. VEAC encouraged feedback on the removal of native forest logging and any implications on fire management.¹²⁴

One author of this submission, Simon Birrell, was a member of the Otways Reference Group.¹²⁵ During meetings of the Reference Group the issue of logging and wildfire was raised. The representative from CFA made it clear that whether or not there is logging native forest, it makes no difference to major wildfire suppression across the Otways.

¹¹⁸ Peter Begg, 'Otways logging debate', *Geelong Advertiser*, 24 January 2003.

¹¹⁹ Stewart McArthur, letter to Editor *Colac Herald*, 14 March 2003.

¹²⁰ John Calvert, 'Fires do happen' Letter to editor *Colac Herald* 21 February 2003.

¹²¹ Adam Morton, Jewel Topsfield, 'Vic - Inquiry hears cost of bushfire bungling', *The Age*, 1 August 2003.

¹²² Everard Himmelreich, 'An Otways Inferno - Otways group predicts park catastrophe', *Colac Herald* 19 May 2003.

¹²³ Bruce Niemann, *Laughable Propositions*. Letter to the editor 23 May 2003. *Colac Herald*

¹²⁴ VEAC *Angahook-Otways Investigation, Discussion Paper, Sept 2003* pages 81-82.

¹²⁵ Appendix 2 of See VEAC *Angahook-Otways Investigation, Discussion Paper, Sept 2003*.

VEAC responded to issues regarding logging and fuel reduction burning this way:

Public Land Management

Resourcing for public land management, including national park management was an important issue raised in many submissions. Many proposed a review of public land in general and a greater involvement for park users in determining management practices.

Other criticisms of public land managers were focussed on pest plant or animal control, fire protection and prevention, and unjustified track closures or poor infrastructure maintenance particularly at camping areas. A number of people called for the maintenance of an adequate network of access tracks and trails for fire protection on public land.

Some people argued that national parks were more fire prone than state forests and that where the national park abuts private property, adequate firebreaks should be maintained. Others argued that it would be difficult to find skilled fire-fighting personnel and equipment with the phase-out of the timber industry from the Otways.

Response

Most public land in Victoria is managed, directly or indirectly (through delegation), by DSE. While land status changes do not necessarily imply a greater level of management, community expectations may differ between land-use categories. Additional resources may be required to respond to these expectations, particularly in national parks and high-use areas.

VEAC has recommended that the Government allocate adequate resources for the implementation of its approved final recommendations. In addition, implementation involves establishment costs, such as fencing, signs and management planning, as well as an on-going commitment to ensure that the management objectives of each particular land category are met.

Additionally, Council has responded to the community's desire to be involved in public land decision-making processes by recommending the establishment of advisory committees to provide a voice for the community at not only the implementation stage but also during preparation of management plans, and in an on-going capacity.

Fire protection on all public land in Victoria is the responsibility of DSE. All public land regardless of tenure is managed according to regional fire protection plans that are developed in consultation with the community. VEAC supports this approach and recommends that mechanisms for coordination across the Otways public land be enhanced with advisory committees having input into public land management processes. [Emphasis added]¹²⁶

Community involvement through **advisory committees** has been a key method of ensuring that the broad community understands, and is educated on, Otway public land management, including fire suppression strategies and dangers for public forested land. The Otways is the only public land region where formally appointed community reference groups and advisory committees, in one form or another, were continuously in place between 2000 and 2008 when it was disbanded.

¹²⁶ See Appendix 1 of *Angahook-Otways Investigation Final Report, Nov 2004*, 119.

The Royal Commission should consider the use of Community Advisory Committees in public land management to develop community feedback systems for issues such as fuel reduction strategies, public land fire danger etc . These committees must represent a true cross-section of the community, that is they must include conservation groups, land owners, farmers and other sections of the community.