



# ACT BUSHFIRE COUNCIL MEETING

Wednesday 4pm to 7pm, 2 September 2020

WebEx

## MINUTES OF MEETING

### Council Members

#### Present:

Sarah Ryan – Chair  
 Natarsha Jakubaszek – Deputy Chair  
 Tony Bartlett  
 Cathy Parsons  
 Marion Leiba  
 David Snell  
 Jeremy Watson  
 Nick Lhuede  
 Kylie Coe  
 Steve Angus

**Apology:** Bhiamie Williamson

### Officials Present

Ray Johnson – ESA Deputy Commissioner  
 Rohan Scott – A/g Chief Officer, ACT Rural Fire Service (ACTRFS)  
 Chris Zeitlhofer – A/g Chief Officer, ACT Fire and Rescue  
 Justin Foley, A/g Executive Branch Manager, Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate (EPSDD)  
 David Foot, Executive Branch Manager Risk & Planning

### Invited Guests

Neil Cooper - Senior Director Land Strategy and Environment  
 Bren Burkevics - Executive Branch Manager SEMB  
 Julian Seddon - Senior Fire Ecologist, EPSDD

### Secretariat:

Kerri Clarke – Executive Officer, Commissioner’s Office

Item	Presenter
<b>1. Acknowledgement of country</b>	<b>Chair</b>
<p>The Chair acknowledged the traditional custodians of the land that the meeting was on, the Ngunnawal people. She expressed acknowledgement and respect towards their continuing culture and the contributions they make to the life of this city and this region. She also acknowledged and welcomed all Aboriginal and Torres Strait Islander people attending the meeting.</p>	
<b>2. Welcome (Introductions, apologies and nomination of member to monitor the performance checklist)</b>	<b>Chair</b>
<p>The Chair welcomed all to the WebEx meeting and apologies were noted.</p> <p>The Chair advised Council that member Margaret Moreton has resigned and further advised Council members that Council members Bhiamie Williamson and Nick Lhuede have agreed to monitor Margaret’s recovery objectives.</p> <p>The Chair nominated Deputy Chair Natarsha Jakubaszek to monitor the performance checklist for this meeting.</p> <p>Council members noted that all Bushfire Council meetings are to be conducted by WebEx until further notice, in line with COVID restrictions.</p>	
<b>3. Declarations of interest</b>	<b>Chair</b>
<p>Nil.</p>	

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#### 4. Acceptance of minutes and actions from previous meeting

Chair

The minutes from 5 August 2020 were accepted subject to consideration of additional text recording an issue that had been raised about fire protection at Denman-Prospect but not recorded in the draft minutes.

Action Item 0209-01	Action Officer/ Due
Council member Tony Bartlett to provide proposed amendments to the August meeting minutes.	Tony Bartlett

Actions were reviewed and updated as per Appendix A with additional comment provided below.

**Action Item 0508-10** - Council members asked about the potential for an Orroral Valley fireground field trip, as agreed at the August meeting. The CO RFS noted that approval from the Director-General Justice and Community Safety (JACS) would be required before this field trip can go ahead due to restrictions imposed by the COVID pandemic. Council did not support an option of a virtual tour. The CO RFS agreed to continue plans for organising the field trip with assistance from EPSDD.

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#### 5. Correspondence for noting

Chair

The Chair noted that a reply was received from EPSDD in relation to fire protection at Denman Prospect and adoption of the Australian Standard AS3959. Council discussed the letter and agreed to meet to discuss it further out of session.

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#### 6. Report on activities attended on behalf of Council since the last meeting

Chair

- The Chair attended an SBMP Governance Committee Meeting on 26 August 2020
- The Chair reported that she had met with the Commissioner and Rohan Scott and agreed to their proposal to amend the annual EPSDD BOP briefing to include ESA representatives, a working group of the ACT Bushfire Council and relevant stakeholders in a workshop style meeting. Justin Foley added that he has agreed to develop a document to support the workshop that explains how the EPSDD BOP is developed and its constraints.
- The Chair reported that she, Cathy Parsons and Tony Bartlett had attended a meeting with Minister Gentleman to give him advance notice of some recurrent issues that Bushfire Council is planning to emphasise in its forthcoming Annual Preparedness Report. They also raised the Denman Prospect and the S3959 issues and the Minister undertook to follow these up.

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#### 7. ESA Agency Operational Review of the Bushfire Season 2019/20 and Report to the Minister for Police and Emergency Services on ACT Government coordination and response during the 2019/20 bushfire season.

Ray Johnson

Ray Johnson spoke to the Report on ACT Government coordination and response. Government has already formally accepted the proposed recommendations and the legislative reform proposed has already passed through the Legislative Assembly. The other recommendations are being discussed with the Director-General JACS. The Government also accepted all the recommendations in the ESA review and planning for their implementation is underway. Several Council members complimented the clarity of this report.

Council noted that one of the recommendations in the whole of government review is to review its Terms of Reference and asked about the reasons for this recommendation. The Deputy Commissioner noted that they have not been reviewed since 2016, and that it was timely to refresh them in the context of the recommendations of the two reviews and the forthcoming findings of the Royal Commission.

Council sought clarification and made comments on several aspects of the ESA Operational Review. Cathy Parsons asked for clarification about whether After Action Reviews (AARs) were conducted on the two

major fires in ACT (Orroral Valley and Beard) since the Operational Review specifically states that is not an AAR despite Council being previously informed that AAR's were being conducted. The CO RFS advised that approximately 35 AARs were conducted and these included the two fires mentioned. These fed into both reports. Cathy also asked about the independence of the AARs. The CO RFS advised that some were facilitated independently, including the RFS brigades AAR which Tony Bartlett from Council attended. Protiviti and Cameron Leary were the independent facilitators. Cathy asked about their bushfire fighting experience. The CO RFS advised that Cameron Leary has extensive bushfire experience and is well respected in the fire

Tony Bartlett expressed a concern that some strategic issues that were identified in the RFS brigades AAR that he attended have not been adequately addressed in the Operational Review. He had already expressed those concerns to the CO RFS and the Commissioner following the draft report of that AAR but they were still not addressed in the final review. He further commented that the Operational Review is ESA headquarters oriented and does not relate to the operations on the ground. He suggested that there were some things that still need to be improved on the ground, including fire management.

Tony also commented on the Government coordination and response report. He noted that issues regarding management of an emergency and management of an actual incident have been examined at length during inquiries following the 2003 fires. They stress the need to keep the Incident Management Team separate from overall coordination roles and managing up to Government. He has previously provided advice to ESA that there should be a series of places where Incident Management Teams can be run in the ACT so that they will not be confused with overall emergency management and coordination.

The Chair asked Justin Foley to what extent the whole bushfire fighting response, including the PCS role was considered in the ESA Operational Review. Justin advised that PCS conducted its own AAR, provided it to ESA and that it did form part of the considerations. However, as PCS was aware that the ESA Review would be dealing with the incident itself, the PCS review focused theirs on issues that were occupying the minds of staff, which were largely focussed on wellbeing.

Another concern raised by several Council members was the absence of a review of the firefighting response by an independent, external expert.

Steve Angus commented that the ESA Operational Review does not address the issues that the RFS volunteers had raised in the AAR that he and Tony Bartlett had attended. He also commented that in his experience, recovery in the Orroral Valley for landowners had been poorly coordinated and that Government commitments made had not eventuated. The CO RFS offered to discuss these issues with Steve separately.

The Chair proposed that as the Commissioner is not present in the meeting to respond to Council's concerns, that they be progressed with her out of session and remaining concerns can be recorded in the Annual Preparedness Report to the Minister.

The Chair further commented that actioning the recommendations in the reviews is important. The Deputy Commissioner confirmed that each AAR set of actions will be implemented in each service as part of business development.

Action Item 0209-03	Action Officer/ Due
In relation to the Operational Review, Council will consolidate its comments, and discuss them with the Commissioner.	Chair

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**8. Review of the EPSDD BOP 2020-21 proposed recommendations**

**Chair**

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The Chair reported on the excellent briefing received from EPSDD on the proposed 2020/21 BOP, which was attended by a Council working group of herself, Tony Bartlett and Nick Lhuede. Tony Bartlett drafted the proposed recommendations to the Commissioner on behalf of the working group and Council.

Council members thanked Tony for his work and he responded to questions of clarification.

Nick Lhuede expressed his concern about fire protection around high value rural assets, for example the solar farms, and reiterated the importance of having transparent fire protection in larger areas of managed land that fall outside the EPSDD BOP, for example the Arboretum and Stromlo Forest Park. And, as suburbs like Taylor are developed further from the city strategic fire management in rural areas will become more important. He suggested that it would be useful for Council to request a tenure neutral presentation on managing fire across the landscape noting that this issue goes back to 2003.

The Chair asked Justin Foley for his views on the value of a tenure neutral BOP workshop that would include all BOP owners so that there would be opportunities for all land managers to discuss how they could better coordinate their efforts. Justin Foley advised Council that in discussions with the Commissioner and CO RFS, the criticality of having a shared understanding of all BOP processes has been recently highlighted. There is a challenge in how this consultation may work and work in a timely manner. The CO RFS noted that this will be joint effort and will allow for increased transparency.

The Chair sought Council agreement that the proposed recommendations become the formal advice on the EPSDD 20/21 BOP from Council to the Commissioner. Council members AGREED.

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**9. SBMP Focus Objectives - Objective 2: Planned fire management on all private rural land. CO RFS**

The paper presented was taken as read and its author, Greg Potts, invited Council for questions and comment.

Deputy Chair Natarsha Jakubaszek noted that Greg's response was very comprehensive and that she had no further questions. Council member Tony Bartlett asked whether the four properties within the BAZ that do not have a Farm Fire Wise Plan will have one before the commencement of the 2020/21 bushfire season. Greg responded that it is in the workplan to do this.

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**10. SBMP Focus Objectives - Objective 7: Broad area bushfire fuel reduction across the natural and rural landscape of the ACT** **RFS/ EPSDD**

The paper presented was taken as read and its author, Greg Potts, invited Council for questions and comment.

Tony Bartlett noted that Council had not yet received the BOP audit reports in preparation for drafting the Preparedness Report to the Minister. Greg responded that he would be happy to provide these reports to Council in the coming weeks.

Action Item 0209-04	Action Officer/ Due
Provide BOP audit reports to Council	Greg Potts

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**11. SBMP Focus Objectives – Objective 8: Access for vehicles and firefighters to undertake bushfire fighting and fuel reduction** **RFS/ EPSDD/ TCCS**

The paper presented was taken as read and its author, Greg Potts, invited Council for questions and comment.

Tony Bartlett noted that he was pleased with the content that had been provided and had no questions.

The Chair thanked Greg for his papers and responses and reiterated Deputy Chair Natarsha Jakubaszek's comment that the quality of the information provided in Objectives 2, 7 and 8 was excellent.

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**12. SBMP Focus Objectives – Objective 12: Recovery from Bushfire** **Bren Burkevics**

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As the Executive Branch Manager SEMB was late to the meeting, the CO RFS advised that Bren's presentation would be taken as read and that he would take any questions for Bren on notice.

Steve Angus advised that he had some questions about statements in the presentation about recovery following the Orroral Valley and Beard fires that have not happened, for example, actions about psychological impacts.

Action Item 0209-04	Action Officer/ Due
<b>Justin Foley will invite Steve Angus to discuss recovery with him in an out of session meeting that will include Nick Lhuede and the Deputy Commissioner</b>	Justin Foley/ Steve Angus

Tony Bartlett asked about the budget, its adequacy and the timeframe to carry out the Environmental Recovery Actions. Justin Foley reported that the \$20Mil funding is to cover all the environmental recovery actions for assets, catchment works, heritage works etc. The funding is adequate and most will be spent in the first of the three year project. PCS/EPSSD will be working closely with the ACT Government to claim some funding from the Commonwealth \$150Mil fund for bushfire recovery for native wildlife and habitats.

The Executive Branch Manager SEMB, Bren Burkevics, and taking the presentation as read, invited questions from Council.

In response to a question about replacement of fencing under the recovery program, Bren explained that it was not well covered under the Disaster Recovery Funding arrangements and outlined what the ACT Government has been doing to try and access Commonwealth recovery funding for fencing. Steve Angus reiterated his previous comment about not having been informed about this, and that there has not been a clear point of contact for information and assistance. Bren responded that JACS/EPSSD could streamline this process to ensure there is one point of contact for rural lessees.

The Chair asked if recovery scenarios could be tested in scenario exercises like an IMX. Bren noted that ACT is just developing its recovery capability as it has not suffered the same disasters as Queensland, Victoria or NSW in the past. However, considering the likely increase in natural disasters, the ACT Government is working on improving this.

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**13. SBMP Focus Objectives – Obj 9: Adaptive Management of current and future bushfire risks** **Julian Seddon**

Julian Seddon provided some background about his team and how they work on adaptive management, then invited questions and comments.

Tony Bartlett requested that Council members receive a copy of the Annual Report from the Conservation Research team at EPSSD, once complete. Tony also asked whether the Conservation Monitoring Group monitors the impact of planned burning on conservation values after a subsequent major bushfire. Julian advised that the team does have some monitoring sites on planned burn footprints and areas extending beyond that with a view to gaining a better understanding of fuel and habitat dynamics. He advised the team is currently re-evaluating how it monitors those sites and noted that gaining such knowledge of the land feeds back into the Regional Fire Management Plan.

The Chair asked if his team had noticed any signs of climate change on the biodiversity in ACT. Julian replied that his team does not have any direct evidence at this point.

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**14. Standing Item: Update Draft Regional Fire Management Plan** **EPSSD**

Justin Foley advised Council that the RFMP is still on track for November.

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**15. Standing item - Reports from Strategic Bushfire Management Plan Governance Committee** **CO RFS**

The CO RFS spoke to this item, advising Council that the Governance Committee met in August and the reallocation of some actions to new owners has occurred. The CO RFS advised that the next step for the Committee is to work out a calendar on when reporting for the SBMP objectives should occur.

**16. Officials' reports for noting:**

**Officials**

**16.1 EPSDD Report**

**EPSDD**

The report was taken as read. The Chair asked if the outlook for prescribed burning in spring was favourable. Neil advised that they cannot predict the weather but that PCS is committed to meeting the burn requirements.

**16.1 Commissioner's Report**

**Commissioner**

Nothing to report this month.

**16.1 Chief Officer, ACT Rural Fire Service Report**

**CO ACTRFS**

The CO RFS took the report as read, but further noted that the seven volunteers from ACT who had been selected to be deployed to the USA would now not be going as this request was officially cancelled as the bushfires are tapering off. He is also in discussions with NSW on possibly extending the start of the 2020/21 bushfire season, noting that ACT will need to finalise a decision prior to the start of caretaker period on Friday 11 September 2020.

Council member Cathy Parsons asked about the Annual Planning Forum noting that this was usually held in August and asked when this would occur. The CO RFS noted that no date has yet been confirmed.

Action Item 0209-05	Action Officer/ Due
The CO RFS to provide a date to Council out of session for the Annual Planning Forum once the date has been decided.	CO RFS

**17. Standing item – ACT Bushfire Council Business Plan**

**Chair**

The Chair advised that the next meeting (October) will be largely devoted to the drafting and finalisation of the annual Bushfire Preparedness Report to the Minister. The Chair requested that all Council members provide their draft sections of the report to David Snell by Wednesday 16 September 2020.

The Chair advised that Council had agreed out of session to modify their approach to the report and will focus on perennial issues that Council has been recommending to the Minister over the last five years. The Chair commented that it was frustrating to Council that previous and repeated Council recommendations have reappeared in the ESA Operational Review and the Report to the Minister for Police and Emergency Services on ACT Government coordination and response during the 2019/20 bushfire season.

Action Item 0209-06	Action Officer/ Due
The CO RFS to provide a date for the BOM report out of session	CO RFS

Action Item 0209-07	Action Officer/ Due
The Chair to provide additional agenda items for the October meeting, noting space for the ACT Assembly Committee report on the Review of ACT emergency services responses to the 2019-20 bushfire season, a possible presentation on fire protection at Denman Prospect, and a follow up on AS3959 and a possible presentation on research into better building protection from bushfire.	Chair/ secretariat

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**18. Any other business****Chair**

Tony Bartlett noted that as Margaret Moreton has now resigned from Council, it should be a Ministerial priority to replace this position as soon as possible. Tony suggested that applicants from the most recent round of applications for Bushfire Council might include a suitable replacement for Margaret's position.

Action Item 0209-08	Action Officer/ Due
The Chair to officially write to the Commissioner to explore the option of having an applicant from the previous round of Council appointments possibly fill the position recently vacated by Margaret Moreton	Chair

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**19. Review and adoption of action items from this meeting – out of session.****Chair**

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**20. In camera meeting if required - No****Chair**

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**21. Council's performance checklist****Chair**

Deputy Council Chair undertook this agenda item and noted the following:

- Some agenda items were unclear
- Council noted a delay in receiving papers, while acknowledging they had been advised that this would be case.
- A quorum was met, with one Council member absent
- Most Council members seemed prepared and had relevant questions relating to the agenda
- The Chair facilitated discussions
- Council noted that Tony had amendments to the minutes
- Council agreed that some actions items were lagging and noted a confusion on what some items were relating to.
- Council is holding in camera meetings when needed.

Council members reiterated a strong desire to have meetings face to face as soon as it is possible.

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**22. Close****Chair**

The meeting concluded at 6:46pm

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Next meeting: 4pm, 7 October 2020

## Appendix A

### ACTION ITEMS – ACT BUSHFIRE COUNCIL

Action Items			At 1 July 2020	
Ref	ACTION	DUE	ACTION OFFICER	STATUS UPDATE
0508-10	CO ACTRFS to explore option on the possible field trip to Orroral Valley fire in October, in line with Covid restrictions. Itinerary and transport to be drafted if going ahead.	Oct meeting	RFS/ EPSDD	0107 – Action opened. 0209 – Ongoing.
0508-08	CO ACT RFS to pass on to the TCCS team the request for data to be included in the reporting of objectives. For inclusion into the Council report to the Minister.	Sept Meeting	CO RFS/ TCCS	0107 – Action opened. 0209 – RFS have actioned, however a response has not yet been received from TCCS.
0508-04	Actions from resolution papers to be added to August 2020 minutes once response is received from EPSDD  Council to meet out of session to discuss resolution proposal, if necessary	Sept Meeting	Secretariat/ Chair	0107 – Action opened. 0209 – Not decided.
2019100 2-2	Documents from June to December 2018 to be put on an online platform  20200603-04 Action: Arrange ACT Government login for all Bushfire Council Members to access meeting papers and presentations on ESA G Drive	Sept Meeting	Commissioner	0107 – Council advised that ESA will be providing Council members with an iPad and SharePoint access all papers to an online platform. Members will also be provided with an ACT Gov logon. 0209 – close to completion
2020304 -13	ESA to provide formal advice on public comment conflict of interest for Council members.	August Meeting	Secretariat	In progress – agenda item for discussion. Someone from ACT GOV to provide input in what is expected. 0508 – Item to be added to September meeting for discussion 0209 – Ongoing

2020040 6-13	The CO ACTRFS to seek further advice in relation to making BFC reports into the level of bushfire preparedness (each bushfire season) that are provided to the Minister for Police and Emergency Services be publicly available on the ESA website; including any restrictions on reports from recent years.	Ongoing	Commissioner and CO ACTRFS	Commissioner advised this is ongoing– Tony Bartlett to provide details to publish. 0508- SR to discuss with MO 0209 – Ongoing
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Action Items (CLOSED)	
Ref	As at 1 July 2020
20200603-12.3	Greg Potts to arrange a meeting report on Farm Fire Wise (FFW) in the Bushfire Abatement Zone (BAZ) with data and an explanation of the constraints to meeting the target of 100%.
20200603-8	Provide Council with a copy of the draft After Action Review Report and add to the July Agenda
0508-01	The Chair will formally write to the Minister declaring the conflict of interest
0508-02	Council requested an additional agenda item for the September meeting to discuss guidelines around public comment conflict of interest for Council members.
0508-03	Ian Walker to prompt response from EPSDD in a timely manner before the commencement of caretaker period, and provide advice back to the Council
0508-05	EPSDD/ PCS will advise Council on a date for the BOP out of session working group meeting.
0508-06	CO ACTF&R to provide statistics and details on the success of the Juvenile fire awareness and intervention program
0508-07	SBMP Obj 1 (1.3) not provided at meeting. This will be carried over to the next meeting in September. A presentation will be provided to secretariat
0508-09	EPSDD to provide presentation to secretariat by September meeting for Obj 9 (9.2)
20200603-12.2	Send Council the relevant transcripts of the Royal Commission hearings when they are available and add to the July Agenda.
20200406-08 (3)	Neil Cooper to arrange a Phoenix model analysis of the likely impacts on Denman Prospect from a bushfire burning through the forest blocks located to its west, following discussions with Tony Bartlett and Nick Lhuede on the specific modelling requirements.
20200406-08 (1)	The BFC Chair to write to EPSDD Planning to request an update on where the Cabinet Submission is up to in relation to AS 3959:2018 being incorporated into the ACT Territory Plan and to request that a briefing be provided to Council on the agreements with developers on the fire protection measures to be applied at the final western boundaries of the suburbs of Denman Prospect and Whitlam, including the expected locations of edge roads and asset protection zones and the details of the proposed thinning of the red stringybark forest.
0107-02 (2020)	Council requested an adaptive management (Objective 9), noting that information for this objective was not adequately provided to Council.
0107-01 (2020)	Chair to review and discuss options with Margaret out of session and work on a conflict of interest plan on how to manage the conflict moving forward. To be discussed further at next meeting. ITEM CLOSED 05082020
20200603-9	Facilitate meetings pre and post Council Meetings with key stakeholders to provide Council access with the information they have requested in line with their business plan. The Commissioner, CO ACTRFS and Chair to discuss the outcome out of session.
20200406-07	The BFC Chair to draft a response to the Minister for Police and Emergency Service (MPES) seeking clarification to his response to the recommendations in Council's 2018-19 Bushfire Season Preparedness Report.

20191204-9	ESA to advise Council if they provided comment on the Canberra Nature Park Draft Reserve Management Plan, and if so, provide a copy of those comments to Council.
200304-10	EPSDD PCS to provide the Secretariat with an electronic version of the BOP Quarterly Report to be circulated to Council members out of session.
20200406-08 (2)	Secretariat to add to the June BFC Business Plan a presentation by Greg Potts and Scott Seymour on the current status of the Bushfire Management Standards (including an ACT & NSW comparison) and the review of Fire Management Zones. Greg Potts undertook to provide his paper/presentation prior to the meeting.
20200406-08 (4)	Secretariat to send the ACT Bushfire Management Standards to Council Members.
20200406-08 (5)	After each BFC meeting, a short meeting between the CO ACTRFS the Council members whose focus objectives are in the Business Plan two months ahead will be held to discuss and agree on the nature of the information that BFC would like presented at that meeting.
20200406- 12	Secretariat to update the BFC Business Plan to reflect requests for information arising from the May meeting and to add Nick Lhuede as a Council member who will focus on objectives 3, 7, 8 11 of the SBMP version 4.
20200406-14 (1)	Secretariat to ensure the WebEx meeting invite and details is sent out to all Council Member and Officials.
20200406-14 (2)	The Chair, David Snell and Tony Bartlett to review the section in the BFC Terms of Reference that requires that after a new SBMP is made the Commissioner must conduct an assessment of the adequacy of the resources to deliver the Plan and must give that assessment to the BFC and the Minister; and then provide a recommendation from BFC to the Commissioner and the CO ACTRFS.