

Recommendations

- 1) **That NSW Rural Fire Service OP 1.2.20 Operational Protocol for Backburning be strengthened as follows:**
 - a) **Specific Risk analysis, consequence analysis and contingency planning to be completed as part of operational planning prior to a strategic backburn operation including:¹**
 - i) Development & implementation of standardised risk assessment, consequence analysis and contingency planning processes to be completed prior to a strategic backburn operation.
 - ii) Use of appropriately validated fire prediction tools and localised fire knowledge and expertise in validating the fire risk assessments above.
 - b) **That there be mandatory public reporting of identified threats posed by planned backburning including²**
 - i) Publication of risk analysis and consequence analysis prior to the backburn commencing, if practicable in the circumstances. If not, this to be done as soon as possible.
 - ii) Publication of risk and threat assessment if backburn escapes.
 - iii) Location of backburn to be clearly identified, including planned limits of backburn on a map for public dissemination.
 - iv) Identification of backburn as a separate fire, with naming distinction, to ensure clear and informative public communication.³
 - v) Where threats are identified through risk analysis the NSW Police must be notified before the operation begins as an issue of public safety.
 - c) **Calls for emergency warnings from fireground managers are escalated *directly* to State Operations.⁴**
 - d) **Mandatory documenting, minuting and record keeping of planning meetings relating to strategic backburning operations⁵**
 - e) **Local NPWS staff and RFS brigades from regions identified at risk from a backburning operation must be involved in the planning, consulted and advised of**

¹ See paragraphs 60-85

² See paragraphs 100-111

³ See Exhibit 56A, Brief of Evidence - Grose Valley Mt Wilson, Tab 96 (Report of Gellie), p4234-4236.

⁴ See paragraph 110

⁵ See paragraphs 15-25

a strategic backburn operation prior to the operation beginning.⁶

- f) Given the Operational Protocol states that strategic backburns are rarely initiated at short notice in the field⁷, the RFS conduct mandatory community consultation prior to the commencement of a strategic backburn.**
- g) That the Rural Fire Service conduct scientific fuel moisture content readings with appropriately calibrated fuel moisture meters:⁸**
 - i) Prior to the commencement of strategic backburn operations**
 - ii) Routinely during the operation along with standard Situation Report weather observations along with temperature, relative humidity, wind direction and wind speed.**
 - iii) That fuel moisture content readings and test burns are conducted prior to all backburn operations.**
- h) Fuel Moisture Content calculations based on forecast conditions be used:⁹**
 - i. That safe minimum and maximum Fuel Moisture Content limit be identified for each backburn operation.**
 - ii. The Rural Fire Service develop and make public a set of protocols that define the minimum and maximum weather and fuel conditions that strategic backburning must be conducted within.**
 - iii. Where a strategic backburn is planned and does not meet these conditions, a review at State Operations must be undertaken and documented.**

2) Backburning protocols must be enforced with disciplinary action mandated for personnel who are found to have breached protocols¹⁰

When a backburning operation is identified as escaping containment, a mandatory post-incident review should take place with the following aims:

- a) Assess whether the relevant employees of the RFS or NPWS were in compliance with operating procedures and backburning protocols.**
- b) Incorporate feedback from affected communities into the review**

⁶ See paragraphs 86-91

⁷ See Exhibit 56A, Brief of Evidence - Grose Valley Mt Wilson, Tab 68, (Operational Protocols for Backburning), p. 3410

⁸ See paragraphs 124-135

⁹ See paragraphs 124-135

¹⁰ See paragraphs 112-158

- c) That disciplinary action be mandated when personnel are identified as breaching protocols
- d) Publish the findings of the review for public comment.

3) The NSW Government implement an independent Inspector General of Emergency Services to promote continuous improvement and best practice.

This recommendation is supported by the *Royal Commission into Natural Disaster Arrangements* which recommended:

Recommendation 24.2 An independent accountability and assurance mechanism for each state and territory.

“An approach to continuous improvement and best practice that has worked successfully for some states is the establishment of an Inspector-General for Emergency Management. Similar arrangements would be desirable for other jurisdictions.”¹¹

4) That the NSW Government commission an independent study to establish the social and economic costs of backburning operations across the state.

Without understanding what the actual cost is to taxpayers and residents and the impact to community and individuals health, it is impossible to weigh up the costs and benefits.

5) That the NSW Government formally apologise to residents, firefighters and communities that are adversely impacted by escaped backburns.

If Victoria can do it, so can NSW.¹²

6) That the NSW Government establish a compensation scheme for residents and communities impacted by the escaped Mt Wilson backburn and other backburns across the state.

¹¹ Royal Commission into Natural Disaster Arrangements, 2020, p 509

¹² <https://www.abc.net.au/radio/programs/worldtoday/delwp-apologises-for-botched-burn-off-in-victoria/6955046>