



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON LEGAL AFFAIRS**

**(Reference: Inquiry into fire and emergency services)**

**Members:**

**MR B STEFANIAK (The Chair)  
MS K MacDONALD (The Deputy Chair)  
DR D FOSKEY**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 11 APRIL 2008**

**Secretary to the committee:  
Ms R Jaffray (Ph: 6205 0199)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

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**The committee met at 9.00 am.**

**HARGREAVES, MR JOHN**, Minister for Territory and Municipal Services  
**McNULTY, MR HAMISH**, Executive Director, Environment and Recreation,  
Department of Territory and Municipal Services

**THE CHAIR:** Welcome, Mr McNulty. You have the yellow card, the privilege statement, in front of you. Have you read that?

**Mr McNulty:** I have.

**THE CHAIR:** And you understand the contents of that?

**Mr McNulty:** I do.

**THE CHAIR:** Minister, you have read the card as well?

**Mr Hargreaves:** I have, chair, and I fully understand its contents.

**THE CHAIR:** Thank you. There are a few housekeeping matters. All mobile phones are to be switched off or put into silent mode. Witnesses need to speak directly into the microphones, one person at a time. When a witness comes to the table, state your name and the capacity in which you appear. Perhaps, gentlemen, for the record, you could both state your names to start with.

**Mr McNulty:** I am Hamish McNulty, Executive Director of Environment and Recreation in the Department of Territory and Municipal Services.

**Mr Hargreaves:** I am John Hargreaves, Minister for Territory and Municipal Services.

**THE CHAIR:** Thank you both for making your time available. I note that Mr McNulty has to leave at 10.00 am and that the minister can stay until 10.30 am. I also note that, as we did not finish with Minister Corbell, he will be reappearing later. Hopefully, we can finish with you gentlemen by 10.00 am and 10.30 am. If we do not, we hope you will be available for recall. The Chief Minister, whom we have asked to appear, I think, on two occasions, has again declined, so that has freed up a bit of time. Obviously we will fit in with you if we need to recall you. As I said, Mr Corbell is the only other government minister who will be now appearing; he is already part heard and he will be coming back.

Do you want to make an opening statement, minister?

**Mr Hargreaves:** Just very briefly, for the record Mr McNulty has to leave right on 10.00 am as he has a lengthy journey to Tidbinbilla nature reserve. However, I am very happy to remain at the pleasure of the committee.

**THE CHAIR:** Thank you very much. I will start with a few questions and give you a series of five photographs which are from the 2005-06 estimates report. I will indicate what they depict and just set the scene. As you know, we are looking at McLeod and

at bushfire management, where we are at now and reviewing what has occurred in the past. We are looking at the McLeod recommendations and the coroner's report. McLeod, at page 231 relating to fuel management, stated that the fuel management plan should be reviewed in the light of changed circumstances since the January 2003 fires and increased emphasis should be given to controlled burning as a fuel reduction strategy, and he made a number of other recommendations on that page. He made particular mention, too, of the areas unaffected by the 2003 fires and that buffer zone surrounding Canberra's exposed northern and western perimeter.

I will describe the photos for you. Photo No 1 is of Gordon and you will see a little squiggly line in the bottom right-hand corner near Riddle Place, where the photo apparently was taken from. That, I believe, is an access road of about five metres. You will see long grass on the left and the right and the scene goes out towards the Murrumbidgee area. Photo No 2 is at the back of houses at the south-western area of Meredith Circuit in Kambah. There is an access track just to the west—

**Mr Hargreaves:** I know it well, chair. I have actually had a walk up that area, in the company of a very, very charming gentleman, Mr Carl Scully.

**THE CHAIR:** Good stuff. The other photograph of a grassed area is taken from the Glenloch interchange—I understand that road goes off the Tuggeranong Parkway, swoops around and then goes into William Hovell Drive. It is looking east and you will see grass there. The other two photographs I understand are January 2006 and these are from the Yarralumla fires. Photograph No 4 is the back of the fences of the properties there; there is a hillock there which I understand was the direction of the fire—what looks like about a five-metre gravelly dirt road there and then burnt fences. Photograph 5 is a continuation of photo 4 but the left-hand side of it shows damage done to a couple of houses there.

If you have had a look at those, my question to start off with is: given that McLeod put great emphasis on controlled burning—that is, concerns about the unburnt urban fringe—it seems to me that the grass there, which I understand is about chest high, obviously was not attended to, was not cut. Could you explain why that grass was allowed to get so long, as a result of McLeod, at that point in time? This is the period from December 2005 to January 2006.

**Mr Hargreaves:** Firstly, we are talking about something that happened in 2006. We need to look at this in the context of the burn-off program, which is contained within the bushfire management strategy, which is an ESA responsibility. You should really direct this one to Mr Corbell.

**THE CHAIR:** This is very much the urban fringe—at the back of Gordon, at the back of Kambah, Glenloch and the Yarralumla brickworks.

**Mr Hargreaves:** I cannot comment on the Yarralumla brickworks; it is the subject of a coronial inquiry and I cannot give you any comment on that. Further, it is not within my area of responsibility to address that particular issue for you. I cannot address issues that are not within my portfolio.

**THE CHAIR:** Let us put the coronial part to one side, because you raise an

interesting point there.

**Mr Hargreaves:** But I have just told you: I cannot do it; it is not my responsibility.

**THE CHAIR:** Why is that? I thought that was very much TAMS in terms of that urban interface—the grass around the brickworks which abutted the houses there.

**Mr Hargreaves:** Firstly, as I said, it was coronial. We also know that the responsibility for that was the department of the environment's, about two weeks prior to the fire, and in fact my information, from my memory—and it is from my memory—is that there was mowing done up to the edge about 10 days beforehand. Again, I have to be very careful. I do not want to make any comments until the coronial inquest is finished.

**THE CHAIR:** I will get some advice from the secretary about the coronial inquest.

**Mr Hargreaves:** In that case—I am not trying to dodge it, chair—

**THE CHAIR:** No, no.

**Mr Hargreaves:** I am just very conscious—

**THE CHAIR:** If you have no responsibility for it, minister, that is something you can say, obviously.

**Mr Hargreaves:** That is right. If I had the responsibility for it at the moment, then I can comment on it. But, if I do not, there is nothing I can do.

**THE CHAIR:** You did say some mowing was done and you had responsibility for two weeks prior to those fires. With the first three fires, which are very much the urban face—two suburbs plus the Black Mountain and Glenloch interchange area—the grass areas would appear to be at least chest high. Obviously nothing appears to have been done in terms of controlling that. You are saying that is not your responsibility?

**Mr Hargreaves:** Firstly, if this is chest high, we are talking about a stack of dwarfs running up and down the mountainside. This is not chest high—certainly not chest high on me. When I walked that ridge with one of my senior advisers and with Mr Scully, that was not chest high, and it was in about 2006 that I did it.

**THE CHAIR:** It seems pretty high to me, but anyway.

**Mr Hargreaves:** When you talk about burn-offs around the urban fringe, it is part, as I mentioned to you, of the bushfire operation plan; it is not within my area of responsibilities. You need to talk to the ESA about what their program is, what parts of the urban edge were scheduled and when they were scheduled.

**THE CHAIR:** Do they actually do the burn-offs or does your department on their behalf do the burn-offs?

**Mr Hargreaves:** We do the burn-offs. What happens—I am sure you already know this but I will do it for the record—is that we prepare a bushfire operational plan. It is approved by the ESA and then our parks brigade supervise that. You are asking me specifically about the Gordon urban edge, Kambah and the bit on what looks like William Hovell Drive. I cannot answer your question without seeing the whole of the planned burn-off program because, clearly, if somebody has taken a photograph a week before the planned burn-off program is to attack those areas, we need to know that, and I do not.

The other thing I need to put on the record with respect to these things is that there seems to be an assumption that burn-off is the only way in which this can be addressed, and it is not. We do slashing as well, and mowing. Some of these areas you do not burn off if they are too close to residential areas; you do a mowing and a slashing. So I cannot tell you now which one of those three particular approaches to fuel reduction applies to those particular photographs. You have just given me the photographs a couple of moments ago. I cannot quite clearly tell you, off the top of my head, for every square metre of urban edge on which ones we do slashing, which ones we do mowing and which ones we do burn-off.

**DR FOSKEY:** Chair, before you go too far down this track, my questions are about more generic issues, which I think would set the scene for the kinds of questions you are asking. I just want to make sure that I have an opportunity to ask them as soon as possible.

**THE CHAIR:** You will have an opportunity, but I have a number of questions. I do not have too much more on this, but I will see if people have supplementaries on it. I did notice these photos and we are talking about a very important part of McLeod. In relation to slashing, does your department do slashing?

**MS MacDONALD:** Chair, as I have arrived late, I would like to apologise to the minister, Mr McNulty, the committee and Mr Pratt. I take it this is your work, Mr Pratt, these photos?

**Mr Hargreaves:** Mr Pratt was the one who tabled them, I understand.

**THE CHAIR:** He tabled them actually in 2006, at the coronial.

**MR PRATT:** I am the Michelangelo of those photos.

**THE CHAIR:** In terms of slashing, you said that your department is responsible for slashing—

**Mr Hargreaves:** And mowing.

**THE CHAIR:** and mowing and that that is a way of ensuring that the urban edge is protected and there is fuel reduction. Having done that myself on a number of occasions, I am well aware of that. In relation to slashing, can you tell us why there does not appear in January 2006 to have been any of those methods used here? I accept slashing might well have been the most appropriate, or it could have been burning, or simply mowing.

**Mr Hargreaves:** With due respect to the committee, and you for the question, I cannot tell you. I do not know what day this is in 2006. It says “January”. I do not know whether or not this particular area was scheduled for a mow the next day, the next week. I think the committee really ought to consider that there is a program—it is in the bushfire operation plan when these things occur. Whether it is slashing, whether it is mowing, whether it is burn-off, when it is going to happen—all of that, as you well know, from your own experience, depends a lot on the weather pattern.

I think it is a little unreasonable for me to present myself to the committee and to be given a photograph, which is at least 18 months old, and then on a particular day you say, “Why wasn’t, two years ago, this particular square footage in the ACT mown, burnt or slashed?” The short answer is: I do not know and you cannot possibly expect me to know.

**THE CHAIR:** Fine. Minister, you indicated that you have a plan; you have dates on which actions would take place. What you have said there I do not find unreasonable, because I have shown you some photographs from a 2006 estimates committee. I would not expect you to have this on you, but, if you could get details, if they would help, of your mowing program, your slashing program and your back-burning program—when were the bushfires; let us say from the 2003-04 season onwards—I think that would probably be a fair indication of what has been done—

**Mr Hargreaves:** They are in the bushfire operation plan.

**THE CHAIR:** Do not talk over me, please. I think that would be a good indication of what you have been doing since the 2003 fires in terms of the 2003-04 season and the 2004-05 season.

**Mr Hargreaves:** You can put those questions on notice, chair.

**THE CHAIR:** I am giving you notice now.

**Mr Hargreaves:** Well, I will wait to receive the detail from the committee because you have just gone a very long question, with a lot of parts to it. My understanding is that it is already in the bushfire operation plan, which is a public document. So, if you have not got it, we will get you one.

**THE CHAIR:** Thank you; that is all I’m after and, obviously, if you have a program. It was a very simple question. I know there is a fair bit of detail in the answer, but it is simply the mowing program, the slashing and burning program, for the 2003-04 bushfire season, season 2004-05, 2005-06, 2006-07 and, obviously, if you have an 2007-08 program, that would be of great assistance.

**Mr Hargreaves:** I would appreciate it if you could get the secretary to get those details to us in writing, and we will be happy to comply where we can.

**MS MacDONALD:** I just want to make a comment: can we all calm down and start being nice to each other, please.

**DR FOSKEY:** Could I ask my question now? It is not a supplementary but it is the reason why I wanted to—

**MS MacDONALD:** I am happy for you to ask your question.

**DR FOSKEY:** The reason I wanted you to appear, Mr Hargreaves, was that when I read the government's submission to our inquiry it became clear that the arrangements between the ESA and TAMS were really crucial to the way we manage for fires and the way we fight fires. Is there a memorandum of understanding between the ESA and TAMS which ensures that the main land management agency—that is you guys—has formalised arrangements for the coordination of an initial response over fires?

**Mr Hargreaves:** Yes, an MOU does exist.

**DR FOSKEY:** It would be helpful to the committee to have a copy of that MOU. Also, could you explain how the system works? TAMS coordinates the initial response and you have to work in with the rural fire services and the ESA. I would really like that explained, please.

**Mr Hargreaves:** We will get you a copy of the MOU. In broad terms, the MOU sets out the relationship between the ESA and TAMS, but also the committee should remember that not all of these elements of TAMS fall within my area of responsibility; some of them are part of the Chief Minister's portfolio with responsibility for the environment. I will show you how it works, though, because it is not as cloudy as it might seem.

We have zoned areas. Essentially, just for the ease of the picture, we have three zone areas. The first one is the nature parks, which are quite clearly the responsibility of the Chief Minister in that environment area. I will skip over the second one, deliberately. The third one is the grassed areas inside the urban area—the walkways between the suburbs, verges along the major highways, parklands within the urban area itself—and that is mine. We also have a buffer zone between the urban edge and the nature parks and that area—I have forgotten the exact title of it but for the purpose of description let me call it the buffer zone—is also the responsibility of the Chief Minister. Canberra nature parts—the hills, ridges and buffers and those sorts of places—are the responsibility of the Chief Minister.

**THE CHAIR:** Can you answer questions on that, Mr Hargreaves?

**Mr Hargreaves:** No.

**THE CHAIR:** We have asked the Chief Minister twice to attend and he has said it is other people's responsibility.

**Mr Hargreaves:** I am sorry about that. I just cannot.

**THE CHAIR:** Do you administer it on behalf of the Chief Minister, though, your department?

**Mr Hargreaves:** No, I do not.



**THE CHAIR:** So you have no say whatsoever on that? That is purely his?

**Mr Hargreaves:** Yes.

**DR FOSKEY:** What about the ranger brigade? Is that what you call them?

**Mr Hargreaves:** The parks brigade in fact operates, as you know, within TAMS. It is the TAMS firefighting capability. I am happy to answer questions around the parks brigade for you. I am happy to answer questions relating to shared responsibility as much as my own, but I cannot answer questions that are not within my portfolio.

**THE CHAIR:** Can you just indicate what are the shared responsibilities? I simply say that because I do not think the Chief Minister will be attending. We have tried twice.

**Mr Hargreaves:** I will. But I cannot do that off the top of my head. TAMS is a huge organisation. But, when the question comes, I will certainly indicate that to you.

**DR FOSKEY:** With the parks brigade then, if we can explore that: how many personnel, full time equivalent, and what are their broad range of duties?

**Mr Hargreaves:** I will get Mr McNulty to answer that. I do know it, but he has much more comprehensive knowledge than I.

**Mr McNulty:** Within Parks, Conservation and Lands we have 150 designated positions. When people apply for those positions they have to be fire trained and fire ready. At the moment we have got 134 fire-trained people in PCL, and we are moving towards 150. Those 134 people form the parks brigade. During the year they provide normal PCL services, if you like, but during the fire season they are on rosters for stand-by, depending on the fire danger, and they crew tankers when there are fires and respond when there are fires. Their range of duties range from fire-specific duties to normal PCL maintenance and ranger-type duties, depending where they are located in the system.

**DR FOSKEY:** Where are they mostly placed?

**Mr Hargreaves:** All over town.

**DR FOSKEY:** They go into the nature parks?

**Mr McNulty:** There will be people who work in urban parks, there will be people who work in Macarthur House, there will be people who work down at Namadgi national park. They are spread throughout the PCL organisation. The outdoors staff, they are the ones that do the BOP works during the winter and fire season, but they also do other PCL works. The administrative staff in Macarthur House, during the fire season, will go to the parks depot where they are assigned to a tanker or a light unit, and they will wait there during the stand-up. So, it depends what is happening on the particular day what they are doing.

**Mr Hargreaves:** What we need to understand, I think, about the description of the

brigade is that it is not a collective of people sitting in one depot just being fire ready like a fire brigade is. They are people who have other duties. It depends on whether they are on stand-down. If they are on stand-down they just go about their ordinary business. If they are on stand-up, they go to a particular depot where the vehicles that they will jump on are located. Now, those vehicles can be heavy tankers, they can be other vehicles with slip-ons. It really depends on the particular assignment.

As Mr McNulty said, these are people who are fire trained. Now, I also think it needs explanation that if we have got 150, why do we have only 134, and I think that is a reasonable question to anticipate. We have, as with any organisation, staff turnover. People retire, they go to other jobs. What happens is you have a replenishment. We have training regimes to bring these people up so that they are trained. The 150 is the ceiling. You would expect to have at any one time less than that.

**Mr McNulty:** The other issue we have is that, although there have 150 positions, there are people sitting in some of those positions now who have been in those positions for some time who are not fire ready and are not capable, for various reasons, of being fire ready. When they leave and new people start, they will have to meet those requirements.

**Mr Hargreaves:** It is a recent recruitment policy change, Dr Foskey and Mr Chairman and Ms MacDonald and Mr Pratt, that we have had where we will recruit people who are already fire trained. It is part of the selection criteria. Because there is an Australia-wide shortage of people with this particular training, we are providing training to them, obviously, but we have actually decided to put it in the selection criteria. A lot of these positions in PCL are so intricately involved in bushfire mitigation that we now feel that we are quite justified in putting that in as a recruitment criterion.

**DR FOSKEY:** Could you explain how they would get trained, if they have to be fire ready already. You said you would train them, but you also said that it is a requirement that they are trained. What is the sequence then?

**Mr Hargreaves:** There are different levels of expertise, Dr Foskey. Some people are just trained in being able to assist with the rural fire brigade. They will go out there and actually put the fire out. Some people are trained in incident management. This is additional to their base skill. This is where we have got a lot of problems. You have the fire controllers, for example; that is a particular skill. We will train people up for that. So we get them in at a certain level and then we will give them additional training to bring them up. I know that where we have the shortage is at the top end, the fire controllers and that area. That is where we have the biggest shortage in Australia.

**Mr McNulty:** The requirement is also to be fire fit. There is a particular requirement for fitness levels that people need to reach. That is one of the main things we require. We can provide the fire training, but fire fitness is very important.

**DR FOSKEY:** Yes. What about the equipment that they have access to? Does that belong to TAMS?

**Mr Hargreaves:** Yes.

**Mr McNulty:** Some belongs to TAMS; some belongs to the ESA.

**MR PRATT:** Clearly, a significant number of these 134 people that Dr Foskey asked about—in fact, it was a good question she asked in terms of the overall structure of how this works—are double-hatters—that is, they are base qualified in other TAMS duties.

**Mr Hargreaves:** All of them.

**MR PRATT:** All of them, or are some of these people actually full-time bushfire-fighting people? If so, what percentage of them are actually full time in bushfire planning and bushfire-fighting skills?

**Mr McNulty:** There is a relatively small permanent bushfire management unit in PCL. The exact number of that I do not know off the top of my head.

**MR PRATT:** This is the FMU—the fire management unit?

**Mr McNulty:** It used to be called that. It is called the bushfire management unit now. Essentially it is the same thing. They do the planning; they do the BOP preparations. They prepare the BOP and they do a lot of the training work and all the planning. Off the top of my head, I would say between seven and 10 people, but I stand to be corrected.

**MR PRATT:** Can you take that on notice?

**Mr McNulty:** Absolutely.

**MR PRATT:** The only other question on that: when you actually recruit people into TAMS, for example, you recruit somebody to be a parking inspector or whatever, do you actually ask them if they want to back up and be double-hatted and be trained in a secondary bushfire-fighting role?

**Mr McNulty:** At the moment it is mainly within PCL, but it is our intention to try and spread that wider throughout the department. In order just to get the capability established again after the change in the department, we concentrated on PCL and designated the 150 positions to make sure we had the capacity we needed to meet our obligations with ESA. But if other people express an interest across the department, we are more than happy to welcome them.

**Mr Hargreaves:** There is an issue around which staff members in TAMS we would actually encourage to take part in this. Parks, Conservation and Lands people, their daily duties take them into those areas that we want protected anyway. So, obviously, they are the people we want fire fit and fire trained.

For example, we do not necessarily actively go through the finance section and say, “Would you like to be ready to jump into the fray?” If the situation got dire, if we just could not find people out of that establishment of 150—remember it is just a bit of a

turnover and that is why it is down to 134—we would. We would go through the whole department and encourage people to do it. That is not a problem. We do not necessarily as a government have to stop at that particular department either.

A lot of our PCL people, if my memory serves me correctly, are actually members of some rural fire brigades anyway. We do not have to provide too much training to those particular officers because they are already being trained by the Rural Fire Service anyway. It is a very hand-in-glove arrangement with the ESA around those training regimes.

**DR FOSKEY:** At what levels do people meet? The coordination of work between the ESA and TAMS, are there meetings, and who attends those?

**Mr McNulty:** Yes, there are regular meetings between TAMS and ESA, and they are attended by a range of people. I have been to a couple, but, generally, the consistent attendees would be our bushfire management unit and the people from ESA.

**MR STEFANIAK:** Do you actually provide the people? You have said you are in the buffer zone in the urban area and also out there in the nature parks, two of those three being the responsibility of the Chief Minister. Do you provide the people to do the work in those areas that are the responsibility of the Chief Minister?

**Mr McNulty:** Yes.

**MR STEFANIAK:** Do you have a say—

**Mr McNulty:** Sorry, can I just clarify that? PCL provide the people. PCL is an integrated land management organisation.

**DR FOSKEY:** Parks, Conservation and Lands?

**Mr McNulty:** Yes, sorry. So, it is an integrated land management organisation that manages all the unleased territory land.

**MR PRATT:** Which overlaps two departments, does it?

**Mr McNulty:** No, one department, two ministers.

**Mr Hargreaves:** Within the context—

**MR PRATT:** It is a very interesting point, is it not?

**Mr Hargreaves:** Well, the thing about this we need to appreciate is that Parks Conservation and Lands is what used to be known as Environment ACT. It was an agency in its own right, but it was very, very small. We decided as a government at one point that there were synergies between the environment and the parks area of TAMS. For example, you talk about the hills, ridges and buffers; there is a line around any hill in town above which it becomes a nature park.

There was some incredible commonality between the management of those areas and

the management of areas of nature park, like Namadgi national park. We also needed to understand that within Environment ACT it was not only about land management; it was also about endangered species management; it was about water management, like the Lower Cotter. We found that there was too much separation between the two.

You might recall that, for about a year or so, I had the environment ministry as well, so I had the lot. We then had the issue of water raise its head significantly in the ACT and across the country. That was an integral part of the work of Environment ACT around the Lower Cotter and also dam work and also, as you know, within the Chief Minister's Department itself. We as a government decided that we wanted to keep all of the environment, heritage and water issues in one ministry and to elevate it in its status of our intention, and the Chief Minister assumed responsibility for those. There are, if you like, three ministers who have an involvement within the operation of what we call TAMS.

**MR PRATT:** Clearly, this is a consequence of the rationalisation of 2006, that PCL tends to now have two ministers to report to. Minister, how do you and your executives, as the land managers for public land on the urban edge, feel about that in terms of trying to get the job done on the urban edge and bushfire preventive planning?

**Mr Hargreaves:** It is not a problem.

**MR PRATT:** Is there a split or an overlap?

**Mr Hargreaves:** It is not an overlap, and it is not a problem. It is the same bunch of experts within the department who actually look after the area for the issue that you are talking about. It is not a case of a military structure where you have to have one person in charge. Remember, we are a very small executive, so conversations happen quite regularly anyway. In terms of the instruction, it is very clear as to where ministerial instruction will come. It is crystal clear.

**MR STEFANIAK:** I am a little bit concerned. You raise a very interesting point, minister, in relation to this. I think both Dr Foskey and Mr Pratt have asked some good questions on that. You said effectively that three ministers have an involvement in TAMS. Clearly, you cannot answer our questions because you are not the responsible minister in relation to some of those photos I showed you on the urban edge or, for example, what is happening out in Namadgi, even though your department is supplying the people.

**Mr Hargreaves:** Yes. That is not an issue, is it?

**MR STEFANIAK:** That may not be an issue, but you are a small executive. You have gone from a situation where one minister was responsible for all of this. I just want you to comment on this if you can, but it would seem to me that that may be a preferable structure in terms of ensuring that things get done efficiently and ensuring that we have the best possible preparation for future fires rather than having three ministers having an involvement in TAMS, no matter how small the jurisdiction.

**Mr Hargreaves:** I understand.

**MR STEFANIAK:** I do not say that in any political way.

**Mr Hargreaves:** I understand your concerns.

**MR STEFANIAK:** I have been in a cabinet where four ministers were responsible for one department, and the poor department secretary had to run around on Monday morning to four different ministers. It was not the ideal set-up. I just wonder whether this is the ideal set-up in terms of what we are doing here as a committee.

**Mr Hargreaves:** I understand. At this point in time, we do believe that it is.

**MR STEFANIAK:** I would be interested to hear why you say it is a good set-up.

**Mr Hargreaves:** At this stage we do believe that it is. We have got a practical distribution of responsibilities. When it comes to the ministerial responsibilities, you need to understand that it comes down to a point within TAMS. When it comes to our fire mitigation and bushfire preparation and that sort of stuff, they all feed into the department's compilation of the bushfire operation plan. That is approved, as you know, by the ESA, and on it goes. The responsibility for providing those services rests with the chief executive. It is one point of management responsibility going down.

**MR PRATT:** Sorry, are you saying one bushfire operation plan, therefore, for the urban edge—

**Mr Hargreaves:** For all of it.

**MR PRATT:** And ACT nature parks?

**Mr Hargreaves:** Yes.

**MR PRATT:** Or are you saying there are two different BOPs, one for the urban edge and one which is also overviewed by the minister responsible for the environment?

**Mr McNulty:** Previously, before PCL was created, there were a number of land managers for the territory who all had their own BOPs. The advantage of having a single land manager is he has one BOP for all the unleased territory land which has consistent standards, consistent approaches and the delivery of it is all in one area. We think that is a much better way of operating bushfire management for the territory.

**MR PRATT:** Surely, if the minister is not responsible for the western edge of Brindabella national park on the New South Wales border where, of course, the greatest bushfire threat comes from, how can he put his hand on his heart and say that he is accountable for the BOP covering that area?

**Mr Hargreaves:** I do not.

**MR PRATT:** It does not make sense.

**Mr Hargreaves:** I do not, Mr Pratt, and that is the point I was trying to make before.

The Chief Minister will put his hand on his heart and say, “I’m responsible for that.” But, it goes down to the chief executive. This is the point that I have to underscore. It matters not which minister is responsible. Remember, that we have a cabinet of five. We do not have a cabinet of—

**MR STEFANIAK:** The chief executive is Mr Zissler at this point in time?

**Mr Hargreaves:** Exactly. The one chief executive and the one management chain going down is responsible for the provision of the services contained in that bushfire operation plan. There is a single land manager now.

**MR PRATT:** So, does Mr Zissler go out there and check the western edge of Brindabella park?

**Mr Hargreaves:** Mr Zissler’s officers perform the duties as contained in the bushfire operation plan.

**MR PRATT:** Are they answerable to the Chief Minister or are they answerable to you for the management of that western edge?

**Mr Hargreaves:** The Chief Minister.

**MR PRATT:** They have got two masters?

**Mr Hargreaves:** Yes, and?

**MR PRATT:** And that is a recipe for disaster, surely, minister.

**Mr Hargreaves:** Could you tell me how it could be?

**MR PRATT:** Yes, yes. If people are tasked to carry out bushfire mitigation works, you have got people who have, therefore, hopefully, been tasked in terms of the bushfire analysis to clean up the urban edge.

**Mr Hargreaves:** Yes.

**MR PRATT:** The Chief Minister is hoping that there are people who are out there along the western edge of Brindabella national park—

**Mr Hargreaves:** And they are.

**MR PRATT:** Carrying out bushfire mitigation works to reduce the fuel load from 10 metric tonnes per hectare, so how can they be accountable?

**Mr Hargreaves:** I will tell you the one thing that I think you have missed in working it out in your mind about how it works. All of the things that are done in relation to making sure that the nature park is looked after, the urban edge is looked after and the buffer zone is looked after—all of those are contained in the bushfire operation plan. All of the tasks—all of the protections that we have to bring into place—are in the bushfire operation plan.

It matters not because those people tasked with looking after the nature park have their operations contained in the BOP; the operations of those people who are worried about or tasked with protecting the urban edge are contained in the BOP. The routine orders, using our common language, are actually what drive what that particular unit is providing. If you go to the BOP, you will see that this amount of resources is applied to the nature park, this amount of resources is applied to the urban edge and so on. All of that is administered by PCL as a single land manager.

I want to pick up and underscore something that Mr McNulty said. I think the committee may have missed it. Prior to the single land manager coming together under PCL, we had about three or four different bushfire operation plans and people were not talking to each other. You were not having people who were responsible for the nature parks talking to people who were responsible for the urban edge. That was not happening. You might say—I do not agree with it—that if ministers do not talk to each other then there is a problem. But we do. But what is really important is if the blokes on the fire trucks do not talk to each other. Then you have really got a problem.

We accepted that and that is why you have got the one bushfire operation plan now. And those folks who are looking after the nature parks talk to the folks who are doing the urban edge. There is one operation plan. The significance is that we do have that BOP.

**DR FOSKEY:** Can I ask a quick question?

**THE CHAIR:** Just a sec. I just have one thing on that.

**Mr Hargreaves:** Sorry to interrupt, but has the committee seen the 2007-08 bushfire operation plan?

**MR PRATT:** I was just going to ask about that.

**THE CHAIR:** No, we have not.

**Mr Hargreaves:** I am happy to table it.

**THE CHAIR:** That would be good, thank you. I just have one question in relation to what you and Dr Foskey and Mr Pratt were talking about. I hear what you say there, and this happens, but what if there is a conflict between environmental priorities and bushfire priorities? How is that going to be resolved with the administrative structure that you have, with three ministers putting their oar in?

**Mr McNulty:** The advantage is that, because we have the wildlife research people and the bushfire people all in one place, we can sit down sensibly and have that discussion. At the end of the day, Russell Watkinson, who is the head of PCL, and I make those decisions. The BOP might say to do a particular treatment in an area, but if there is a good conservation reason why you might not do that but you could do something different to achieve the same outcome, we would make those changes.

**Mr Hargreaves:** For example, if you go to some parts of the nature park you might



not want to do a burn-off. You might want to do a burn-off but you might not. You might not want to do slashing. If you are doing slashing in and around an area where some of the earless dragons are, it might not be a crash-hot idea. So we do bushfire mitigation work by grazing. That is where we have a range of issues. What happens is that the conversation now ensues between the conservator of fauna and flora—Mr McNulty carries that title—

**MS MacDONALD:** Aren't you supposed to carry a magnifying glass in order to have that title?

**Mr Hargreaves:** No, he does not need to do that. If we want to find some endangered species, we put a development application sign in the ground and they all come and sit underneath it.

The issue is that the conflict that you talk about, chair, did exist. You would recall that prior to 2003 or 2002 there was some concern about the way in which we would have bushfire mitigation in parts of Namadgi national park, with the environmental side of the argument saying that you cannot have a bushfire trail going up a hill and some people saying that you have to have a fire trail going up a hill. That argument raged between the national parks association and the firefighting people. We do not have that problem, because our blokes talk to each other.

**DR FOSKEY:** How would you resolve that one then—or how did you?

**Mr Hargreaves:** That particular one has not finished.

**Mr McNulty:** It is about finding a way of achieving the outcome that you want in the BOP which satisfies the conservation objectives.

**Mr Hargreaves:** When we compile the BOP—this is the bit that you will be interested in, Dr Foskey—we do not just have a bunch of firefighters say, “This is what we have to do in an area.” We take advice from our environmental experts about which is the best way to reduce fuel loadings, particularly on the urban edge. As I said, we have mowing, slashing, burning and physical removal. We also have grazing, and we do a lot of that.

**DR FOSKEY:** When you were the minister for all those areas—emergency services, environment—

**Mr Hargreaves:** I was pretty amazing, wasn't I?

**DR FOSKEY:** I wondered if you could compare those days, when there was one minister, with now, and say whether you felt you had a better overview and ability to implement things efficiently and quickly.

**Mr Hargreaves:** I do not think it serves any purpose to look backwards.

**THE CHAIR:** It helps this committee, Mr Hargreaves.

**Mr Hargreaves:** Dr Foskey's question was “I wondered if you could”. The answer is

yes, I could, but I am not going to.

**THE CHAIR:** Not going to what?

**Mr Hargreaves:** I am not going to look backwards and compare a particular time of my ministerial life against the current one. The decision to have a given construct of responsibilities is for the Chief Minister to make. If you have an issue or you have a concern about the distribution of responsibilities, I could only encourage you to take it up with him.

**THE CHAIR:** We will try.

**DR FOSKEY:** Who was doing the burn at Uriarra last night?

**Mr Hargreaves:** I would have to find that out for you.

**THE CHAIR:** Are there any further supplementaries? I want to move on to another line of—

**Mr Hargreaves:** Incidentally, when we do those sorts of burns, they are advertised in the newspapers.

**DR FOSKEY:** I know; I just wondered who was conducting it.

**THE CHAIR:** You have some supplementaries on this and I would like to move on.

**DR FOSKEY:** Could you answer that on notice, please?

**THE CHAIR:** Yes, that would be good; take that on notice. I would like to move on to something else shortly. There are some further supplementaries on what has been done to date. I understand that you have some, Mr Pratt.

**MR PRATT:** Thanks. Minister, the McLeod report, in its summary of recommendations, looked at a couple of things. His second point said that the Victorian Code of Practice for Fire Management on Public Land should be used as a best-practice guide when revising the management on how to carry out mitigation works. From your time as ES minister—or even now, as minister responsible for public land—can you tell us a bit about what has been adapted from that Victorian code, if anything?

**Mr Hargreaves:** No, I cannot.

**MR PRATT:** Do you know whether any of the new initiatives in 2004, 2005 or 2006 were adopted from that Victorian code?

**Mr Hargreaves:** No, I cannot recall that. You would remember that the government accepted all of the McLeod recommendations. There were 47 of them, if my memory serves me correctly. Your recollection is better than mine, because it is in front of you, so I am quite happy to take your word on it that one of the recommendations was that we look at the Victorian experience and adapt some of it to the ACT. If the

government has accepted that recommendation, you can be confident that the government has looked at that particular model. As to whether or not we pick up this, pick up that or pick up something else, that is a level of detail I would not expect to carry around.

**MR PRATT:** Perhaps Mr McNulty needs to answer this. Can you recall what standard you applied in the preparation of firebreaks et cetera on the urban edge?

**Mr Hargreaves:** That information is in the bushfire operation plan. It has to be approved by the ESA. You would need to take it up with them.

**MR PRATT:** Can you describe the sorts of benchmarks you work to or that the department work to when they prepare firebreaks on the urban edge?

**Mr Hargreaves:** It is in the bushfire management plan. Presumably you have a copy of the bushfire management plan.

**MR PRATT:** I do.

**Mr Hargreaves:** I refer you to that document.

**MR PRATT:** Are you able to describe what metre gap you apply in the construction of firebreaks?

**Mr Hargreaves:** We comply with the approvals given to us by the ESA. Of course, it depends on where you are talking about—for example, the back of fences at the urban edge as opposed to the verges down our highways.

**MR PRATT:** Can you tell us about both? They are the two areas that you do have responsibility for.

**Mr Hargreaves:** I understand where you are heading. I think it would be better if the committee secretary could indicate to us which bits you want. Then I will happily go back and get it for you. As I say, the meterage of protection of mowing—again, are you talking about mowing, burn off, slashing or grazing? Those sorts of things really have a bearing. There are some places that you just cannot burn and there are some places that you just cannot slash, as you know. You do not burn off on Red Hill. We do not slash on Red Hill either; we stick cattle on it. If you can get those questions to us, we will happily provide that answer for you.

**MR PRATT:** I refer you to this photograph taken on the Gordon urban edge which was taken in the first week of January 2006.

**Mr Hargreaves:** It is a pretty ordinary photograph. Whoever took it ought to go to CIT and have a lesson in photography.

**MR PRATT:** Actually it is a pretty ordinary copy.

**Mr Hargreaves:** It is a pretty ordinary photographer too, I would say.

**MR PRATT:** But, gee, the original photo was fantastic. Given that this service track here—and you have this with you—is about a five-metre gap—

**Mr Hargreaves:** I will take your word on it.

**THE CHAIR:** For the purpose of the record, you should—

**MR PRATT:** For the record, I would say that it is a five-metre gap. I will also say for the record that this grass is waist to chest high. By the way, your point was right before: that grass at Black Mountain was about waist high—knee to waist high.

**Mr Hargreaves:** I do not recall a troop of dwarfs going up there.

**MR PRATT:** Knee to waist high. But in this case here it is actually chest high, and the back fences—

**Mr Hargreaves:** That is a very short person as well, I have to tell you.

**MR PRATT:** Once you see it—

**Mr Hargreaves:** What was it like the day after?

**MR PRATT:** Was this five-metre gap here the benchmark that you work to?

**Mr Hargreaves:** No, that is a road. That is road access there. As a rule, unless I am understanding it incorrectly, we do not mow roads.

**MR PRATT:** But you do mow the verges of roads to create a broader firebreak. Given that this was the only physical firebreak between the Murrumbidgee River and the back fences of Gordon, this clearly must have been your benchmark at that time—or hadn't you got around to mowing at that time?

**Mr Hargreaves:** We did not mow it on that day. I have to tell you that. I 'fess up. The day you took that photo it was not mowed.

**DR FOSKEY:** Can I ask a quick question while Mr McNulty is here?

**THE CHAIR:** In a minute, Dr Foskey.

**Mr Hargreaves:** I do not know what it was like the day after—

**DR FOSKEY:** Bill—

**THE CHAIR:** I do not want to stop anyone. I am not going to just—

**DR FOSKEY:** This one can happen with the minister. I think we should prioritise questions that need to be asked.

**THE CHAIR:** Mr Pratt, you can ask one more question on this and then I will allow Dr Foskey to ask Mr McNulty a question because he does have to leave.

**Mr Hargreaves:** I cannot answer the question. I do not know whether the week later it was mown or slashed. I do not know because I do not know the date of your photograph. I could find out when it was mowed, when it was burnt or when it was slashed and all that sort of stuff if I had the date of the photograph. I will go down the road now if you like with a camera—and take a better photograph than that too—and say, “Well, you buggers, why didn’t you do that today?”

**MR PRATT:** Minister—

**Mr Hargreaves:** I will happily answer your question if you tell me what it is.

**DR FOSKEY:** Can I ask my question?

**MR PRATT:** Minister, the chair has another group of photographs, taken at the same time. For the record, I ask him to table those. For the record I would say that those photographs were taken along the urban edges of Gordon, Bonython, Greenway, Kambah, Chifley, Curtin and Glenloch.

**Mr Hargreaves:** I think we have seen them. Let me see them.

**MR PRATT:** They were tabled in the estimates hearings of 2006, so you will recall those.

**Mr Hargreaves:** Yes.

**THE CHAIR:** And your question?

**MR PRATT:** Those photographs cover the entire urban edge and show that fundamentally the gaps were only about five metres at that time on the back of the November 2005 spring rains, which created a lot of grass.

**Mr Hargreaves:** What is your point?

**THE CHAIR:** What point are you making?

**MR PRATT:** The question is: can you take on notice and indicate what mowing was done around the December-January period along the urban edge and why this standard of the five-metre gap was the best gap that you had at that time? What was the problem? Was it simply mowing—

**Mr Hargreaves:** I am not going to put the resources of the department into play here to go and work out every single thing, every day that they worked in December and January that particular year. There is no way in the wide world. That is an unreasonable request. If you have particular points of the urban edge that you have a concern about and you want to give me a date, I will happily go back to our records and find out what was the arrangement around that time—whether that was scheduled for happening at another point in time.

**THE CHAIR:** I thought he was doing that, with respect. He has given you January

2006.

**Mr Hargreaves:** No, he has not. He has given me a month—two months.

**THE CHAIR:** He has.

**Mr Hargreaves:** I am not going to do it for two months.

**THE CHAIR:** I just take—I was going to say judicial notice, but it is quite obvious and no-one seems to dispute it—that that is reasonably high grass, be it waist high or chest high. Grass does not grow overnight, even with a fair amount of rain. That would take some weeks. You have already indicated that you are going to provide details of mowing, slashing, grazing and whatever for a series of dates during the bushfire season. I would request that information, which is at least somewhat specific and relates to only a fairly limited period, in relation to what would seem to be not too many photos. I do request that.

**Mr Hargreaves:** I am not going to provide any information around a whole two months worth of activities of TAMS.

**DR FOSKEY:** Chair, I really believe my questions are substantive.

**THE CHAIR:** All right. I require it. And I ask Mr Pratt, for the record, to get an actual date, which would help even better. You have a question, Dr Foskey?

**DR FOSKEY:** I do have a question or two, and I probably had quite a few more.

**MS MacDONALD:** Dr Foskey, just before you start, can I make this point. The minister and Mr McNulty have been called to appear in response to this inquiry. In order to allow this inquiry to continue in a way that is feasible, I would request that people who are on the committee be entitled to ask questions before members visiting the committee get to ask questions. I know that Mr Pratt has a very substantial interest in the issue of long grass.

**THE CHAIR:** He is the shadow.

**MS MacDONALD:** I know he has a substantial interest in that—

**Mr Hargreaves:** It is not a recognised parliamentary position.

**MS MacDONALD:** Can I please be uninterrupted by all. I think it would be a much better way to proceed and would lead to less fraying of tempers all round.

**DR FOSKEY:** Mr McNulty is going.

**MR PRATT:** Chair—

**THE CHAIR:** Dr Foskey, ask your questions. I am mindful of the time.

**DR FOSKEY:** Mr McNulty, could you hang around for a couple of minutes?

**Mr Hargreaves:** He has to go. I will take the questions.

**DR FOSKEY:** Could I remind the committee that it was actually I who wanted the minister called, so it could have been understood that I had a few questions—not that many.

**Mr Hargreaves:** Let us have them.

**DR FOSKEY:** I am interested in the availability of the BOP—of this fantastic document. I am also interested in how you work with New South Wales. I am just looking, for instance, at the map of Googong, where there are a number of prescribed burns planned. They are right on the border with New South Wales. We have this strange little bit of management here. I am wondering whether TAMS is responsible for those burns and how—you would clearly have to work with New South Wales, because it is just a little hole out of New South Wales. Can you please explain how that proceeds? Also, can you explain the availability?

**Mr Hargreaves:** It is the responsibility of the Chief Minister, Dr Foskey. That is the nature park part of the world around the ACT border. It is not the urban area.

**DR FOSKEY:** It is around the Googong reservoir.

**Mr Hargreaves:** It is around the ACT border. It is not the urban area.

**DR FOSKEY:** Anyway, the availability of the bushfire operational plan?

**Mr Hargreaves:** You have got it in front of you.

**DR FOSKEY:** Yes, we have it here, but to the ordinary citizen who has the questions.

**Mr Hargreaves:** It is not a secret document.

**DR FOSKEY:** How do they access it?

**Mr Hargreaves:** They can ask me for a copy of it. Remember that it is approved by the ESA. It is required in legislation. It is not an issue. I am not sure whether it is on the web or not. I can find that out for you.

**MS MacDONALD:** Minister, could you find that out, because it is a fair enough question. How does the average citizen who has an interest in this issue—

**Mr Hargreaves:** No difficulty at all.

**MS MacDONALD:** and does not necessarily want to ring the minister's office find out about it?

**Mr Hargreaves:** When I say “me”, it could be TAMS—Canberra Connect, for example. But I will find that out for you. I am happy to do it. It is important. Picking up on Ms MacDonald's point, it is important that people in the ACT understand what

provision and protection we are doing.

**DR FOSKEY:** That would solve a lot of problems.

**Mr Hargreaves:** I need the committee to understand this. There is no intention on the part of the government to withhold that from anybody.

**DR FOSKEY:** That is all for now. I feel a little frustrated that I now find that a lot of questions that I might have had—for instance, on Namadgi—are not able to be answered by you.

**Mr Hargreaves:** That is the very reason why, the very first time the committee said, “Would you like to come down and have a chat?” I said, “I do not know how much assistance I can be to the committee.” It is not that I do not want; it is just that I have not got it.

**DR FOSKEY:** I believe you have been of great assistance.

**THE CHAIR:** At least you are here. You might be able to assist on this matter. I do note that, in answer to one of my colleague’s questions, you said that at one stage you did have responsibility for a lot more than you do now.

In 2003, I understand \$ 23.6 million was appropriated for the development of the trunk radio network. Mr McLeod identified a failing in communications to cover remote areas. He gave a strong message to the new ESB communications plan. I think you were minister responsible for this at the time. I understand about \$15 million of that was to develop the 15 base stations. Now I think the ninth one is coming up.

There was a change—and you were minister at the time—whereby, to achieve about a \$5 million saving—six stations were not going to proceed and we were going to use the—what was it?

**Mr Hargreaves:** FireLink?

**THE CHAIR:** I think it was FireLink rather than the base tower stations. We have heard evidence that there still seem to be problems with coverage.

**Mr Hargreaves:** This is a very long question.

**THE CHAIR:** It is, but I am setting the scene. There still seem to be problems in relation to proper coverage throughout the ACT. Why was that decision made? The 15 base stations, while it seemed expensive, seemed a sensible idea. Why was the \$5 million diverted from that, with six stations taken off?

**Mr Hargreaves:** I make two points. The first one is that I was not the minister in 2003. I did not become the minister until 2004. That is the first point. The second point is that the responsibility for ESA, past and future, is with Mr Corbell. You need to direct your questions to him. I am not going to answer any questions outside my portfolio.



**THE CHAIR:** I understand you were the minister at the time.

**Mr Hargreaves:** I am not going to answer any questions outside my portfolio.

**THE CHAIR:** Even though you were the minister at the time?

**Mr Hargreaves:** I refer you to Mr Corbell.

**THE CHAIR:** I do not think Mr Corbell was responsible for the decision at the time.

**Mr Hargreaves:** You need to take it up with him.

**MR PRATT:** Minister Wood was the presiding minister in 2003, I think, but, if I recall correctly, Minister Hargreaves assumed that responsibility in November 2003.

**Mr Hargreaves:** 2004. I do not have responsibility now.

**THE CHAIR:** I know.

**MR PRATT:** There was an overlap. If the minister is not going to answer—

**THE CHAIR:** My understanding is that that decision about transferring the \$5 million to FireLink and not proceeding with those towers was your decision.

**Mr Hargreaves:** You need to take that question to Mr Corbell.

**THE CHAIR:** I cannot see how Mr Corbell—

**Mr Hargreaves:** We can talk about this for another 25 minutes if you like, but you are going to get the same answer each time you ask the question.

**THE CHAIR:** I am advised that I do not have the power to direct you to answer it; this is not a court. I would strongly urge you to answer it because it would assist this committee. If you refuse, I do not think there is a hell of a lot I can do.

**Mr Hargreaves:** I refer the committee to the minister for emergency services.

**DR FOSKEY:** What has been the track record in achieving the actions listed in the bushfire operations plan? There is a great list of slashes and burns and so on. What is the record of achieving those within the year? Obviously some of these actions are very weather dependent. What happens if things get pushed onto the next bushfire operational plan? Does it grow? Does each bushfire operational plan expand?

**Mr Hargreaves:** That is a good question. The answer is no. If, for example, there is a burn scheduled and it rains such that we cannot conduct the burn, then what happens is that we apply those resources to some slashing somewhere else in town.

The same thing applies in reverse. If, for example, we are going to do some slashing but it is a total fire ban day, then we won't do that; we will do something else; we will do some mowing. Whilst there is a schedule of events, if you want, the resources are

flicked from one to the other if the weather interferes with the way that goes.

If, for example—and sometimes this does occur—the machinery that we want to use—say, the slashing machine—is unserviceable or breaks down, then we do not just sit there on the side of the road. They actually apply themselves to something else.

**DR FOSKEY:** Are volunteers engaged in fuel reduction burns?

**Mr Hargreaves:** Yes.

**DR FOSKEY:** That was one of the things that the Rural Fire Service mentioned. They often felt that their expertise was not called upon as well as it could. One of the problems was that, obviously, the departmental officers worked during the week and the volunteers were available on the weekends. Has there been any attempt to set up situations where both can be available?

**Mr Hargreaves:** Yes, indeed. You are quite right when you point out that a lot of the burns happen when volunteers are at work. So you cannot. But there are times when we do control burns and other bushfire mitigation activity and we do use the Rural Fire Service as part of the training regime.

I am sure you will have heard from the volunteers association that there is no substitute for hot-fire training—no substitute at all. You cannot have just theoretical training for firefighting and you cannot just set fire to a little bit of stuff outside the shed and teach people how to put it out.

There is no substitute for putting these people, if you like, under a little bit of controlled stress in a controlled burn so that people actually get to see it in a situation where they have to use their decision-making process; they have to work as a team; they experience decent smoke; and they use ventilation equipment—all those sorts of things. We do use that. We do not use every single one of the burns to do that, but we do that with some regularity with the RFS.

**MR PRATT:** I ask you to take on notice two particular questions about this matter of the firebreak task. You would be familiar with the Kambah Pool road?

**Mr Hargreaves:** Yes.

**MR PRATT:** Could you take on notice what the standard is for mowing and what gap you would attempt to achieve with the mowing of the Kambah Pool road, say, immediately west of the golf course? Are you prepared for that one?

**Mr Hargreaves:** Partly. One of the problems here is that—and you would know the Kambah Pool road—it is actually leased property. We have got between the road and the fence of the leased property.

**MR PRATT:** The land between the very edge of the tarmac and fence line would be urban services?

**Mr Hargreaves:** Yes.

**MR PRATT:** That is the only area that I am concerned about.

**Mr Hargreaves:** If I can get that from the committee secretary, I am happy to do it for you.

**MR PRATT:** As a second benchmark, could you also please answer the question on notice for the service track that runs north-south along the western edge of Bonython? You have a very strong approach from the Murrumbidgee River.

**Mr Hargreaves:** At the back of Gordon?

**MR PRATT:** It does not matter whether it is Gordon or Bonython.

**Mr Hargreaves:** It is on the other side of the hill.

**MR PRATT:** Could you do that, please?

**Mr Hargreaves:** Yes.

**MR PRATT:** If I could back to your previous answer in relation to the brickworks fire of late December 2005, I refer you to photograph No 4.

**Mr Hargreaves:** I saw it.

**MR PRATT:** If you look at photograph No 4, you will see a large embankment. You quite correctly indicated earlier that, in response to some community concern, I think you might have said there was some mowing done around the brickworks. I think you said 10 metres. If I recall correctly, it was about 20 metres. There was a pretty large area mown on the western side of the brickworks, which was a pretty substantial firebreak.

However, witnesses to the fire are saying that the blackberries in the grass on the eastern side of the brickworks in the land between the brickworks themselves and the back fence of this residential area were not cleaned out or mown and were, indeed, chest high. They say that if you look at that embankment on the right-hand side of the photograph, the grass on that embankment was chest high and it was right up to the back fence. It might be interesting to see what went wrong there with the mowing tasks on the back of those November 2005 spring rains.

**Mr Hargreaves:** And your question is?

**MR PRATT:** The question is: could you advise why that track or the gap in the long grass was only five metres?

**Mr Hargreaves:** As I indicated to the chairman fairly early on, this matter is still the subject of a coronial inquest.

**MR PRATT:** Perhaps we could return to that—

**Mr Hargreaves:** When the inquest is down and the results are down, firstly, a lot of your questions, I would hope, would be answered in the context of that inquest.

**THE CHAIR:** I checked the standing orders through the committee secretary. I think the inquest does cover that.

**Mr Hargreaves:** Quite frankly, and with real respect, true respect to the committee, Mr Chairman, I do not have the legal training that you do, and I will err on the side of caution when it comes to anything before the judiciary. I am sorry about that.

**THE CHAIR:** Having checked the standing orders, Mr Hargreaves, I think that is something which the inquest would consider. You have answered one thing in relation to some mowing in one part. There is some that appears to be now mowed in another part. That, on my reading of the standing orders, would clearly be something to be covered by the inquest, which I do understand is ongoing at this stage.

**Mr Hargreaves:** It is, but the bit that I have answered about the 10 metre bit, to be quite frank, is the same as I answered in the Assembly to a question from Mr Pratt prior to the inquest starting. The questions you are asking me now are the subject of the inquiry.

**MR PRATT:** I understand that. I do appreciate that. In terms of the strategic bushfire management plan, minister, you will recall there have been questions raised about whether version 1 and “version 2” were completed plans. Again, TAMS is the land manager of the urban edge. Can you tell us a bit about what instructions that bushfire management plan now gives you? Do you carry out the mitigation tasks?

**Mr Hargreaves:** The strategic bushfire management plan requires the creation of bushfire operations plans. For details I refer you to the bushfire management plan and also to the bushfire operation plan that I have tabled today. The bushfire operation plan is compiled by TAMS and approved by the ESA. We work in this sense in response to the strategic bushfire management plan. If you want to drill down into that, I refer you to the minister for emergency services. That minister has responsibility for the strategic bushfire management plan and I have responsibility for most of that BOP.

**DR FOSKEY:** In the preparation of these BOPs, is there any consultation with ESA officers?

**Mr Hargreaves:** Absolutely.

**DR FOSKEY:** Through the process, not just at the end.

**Mr Hargreaves:** Before we start work, to make sure of our understanding of what is required by the strategic bushfire management plan, along the way, as we develop the various elements of the bushfire operation plan, there is conversation with ESA. Our bushfire management unit, formerly the FMU, have regular discussion and consultation with ESA anyway as part of their job. It is the case that you will have a draft BOP put forward to the ESA. The ESA will then say, “Well, you need to address this, that or something else.” That is changed and then the thing is put forward. It is

not just a case of them saying, “Do that,” and we go away and do it, give it to them and that is it. No, it is hand in glove.

**MR PRATT:** In the winter period last year approaching bushfire season 2007-08 roughly when did the ESA have a look at the urban edge and then liaise with you and your land managers about what tasks might need to be undertaken?

**Mr Hargreaves:** You would have to ask the minister for emergency services about that. I have no idea when the ESA does things.

**MR PRATT:** All right. When did your officials receive consultation or liaison from ESA officers about the mitigation tasks that would need to be undertaken approaching the just finished bushfire season?

**Mr Hargreaves:** It is an ongoing conversation with the ESA. Our conversation with the ESA is rolling. For example, the preparations for the 2008-09 bushfire season start now.

**MR PRATT:** So when would you expect the risk analysis to be undertaken along the urban edge in consultation with your executives for land management purposes?

**Mr Hargreaves:** I would expect it to happen all the way through the year. I would not expect it to be an exercise that we start on this date and finish on that date. I do not think that is appropriate. Part of the thing is, you see, our urban edge is not exactly the same. It is not a piece of concrete that goes around the edge of the town. It differs on where it is. So you would have a conversation around a particular part of town and then you would move on to another part of town. You would not have one conversation. I would be devastated to hear that that would be the case.

**MR PRATT:** When do you think, through this calendar year approaching bushfire season 2008-09, you would expect the ESA analysers and your land managers to finalise the tasks to get ready for next bushfire season?

**Mr Hargreaves:** I would expect them to finalise the task at various parts of town along the way. Sometimes they would do it and move on and sometimes it would be an ongoing exercise. That is from the TAMS perspective. You would have to ask the minister for emergency services about that.

**MR PRATT:** Right.

**Mr Hargreaves:** Remembering, too, and please understand that if we go back to the original bit, we have got the three elements, the three zones, if you want, and some of the zones encroach upon each other. Take the Bonython example that you are talking about. It may very well be—without having a block and section map, I could not tell you—that if, for example, the bit of territory that you are talking about sits within the Murrumbidgee River corridor, it is not my responsibility; okay. If, on the other hand, you are talking about something going down the parkway, it is my responsibility.

**MR PRATT:** That is what I am asking you about, just that area.

**Mr Hargreaves:** Yes.

**MR PRATT:** I am only asking you about that area.

**Mr Hargreaves:** I know, but, you see, I do not know which bits. What happens, you see, is that TAMS will work it through the whole year. I need to stress this. Our bushfire preparations from the TAMS perspective, from the urban perspective, never finish. It never finishes, okay.

**MR PRATT:** But you must clearly have to organise a budget in terms of what are going to be back-burning tasks and what are going to be slashing tasks?

**Mr Hargreaves:** We have that amount in the base budget for TAMS. It is a rolling program—in TAMS anyway. As part of the ordinary operational expenses for Territory and Municipal Services around the maintenance of the urban parks and verges, that is part of the ongoing budget in the base for that.

**MR PRATT:** I presume the BOP is updated through the year, or annually, to relist those sorts of mitigation tasks.

**Mr Hargreaves:** No. My understanding is it is approved annually by the ESA.

**DR FOSKEY:** And, with respect, the next one because this one should finish in June, I believe.

**Mr Hargreaves:** I would refer you to the ESA. We are not the only people who put in a bushfire operation plan, okay. I am quite serious. I am trying to be helpful here. I think you need to get that level of detail out of the Emergency Services Authority. We are providing this information in compliance with the Emergency Services Act.

**MR PRATT:** We are just looking now at the existing BOP that has got a fuel management task for 2007-08. It seems that this annex—I am sorry, minister, you cannot see it there—

**Mr Hargreaves:** No. My vision is not that good.

**MR PRATT:** I presume that that is going to be updated this year, approaching 2008-09.

**Mr Hargreaves:** I have to say some really bad news: 2008 is not over yet. The 2007-08 year is not over yet.

**MR PRATT:** But that aside, in terms of planning ahead for bushfire season 2008-09 that annex in the BOP which I have just shown the committee will clearly have to be adjusted—

**Mr Hargreaves:** Yes.

**MR PRATT:** and presumably each year is different?

**Mr Hargreaves:** Yes.

**MR PRATT:** I would have sympathised with you in 2005-06. After those November rains you had a much bigger grass task.

**Mr Hargreaves:** And we spent a lot of extra money fixing it.

**MR PRATT:** Right, so you would have had to adjust the budget?

**Mr Hargreaves:** Yes, we did. Let me put this picture for Mr Pratt in the horrible possibility that one day he sits in my chair. What will happen is that we have a base budget which can take care of an ordinary series of events—an ordinary weather pattern and a predictable weather cycle, particularly around grass in the inner parts of town.

In a drought the grass, funnily enough, as you know, does not grow as high, but it cures quicker, the stuff that is there. But what happens is the ground compacts because the water comes out of it. So what happens is we have a lot more difficulty actually doing slashing and mowing—believe it or not—and we have more concentration on grazing and burn-off. You are quite right about that unseasonal rain. All of a sudden you go bang, and then the grass cures and we have got ourselves a real overload. And we have got that facing us now.

What we need to do within the context of our part, the urban bit, is look at our budget and say, “Can our budget, with the change in direction from mowing-grazing-slashing-burning cope with that? The answer is yes. If not, how much extra will it cost and where will we get the money from?” We could get the money from shrinkage of another program within PCL. We could say, “No, it is far too much. We need extra money.” So we apply for extra funds and we get them.

That is what happened in 2005-06. I do not at this stage of the game anticipate that for 2007-08, but I do not know what will be the result in the spring of 2008-09—what our issue is there and whether or not we have got enough resources to cover it. We probably do. My instinct tells me we do, but I will not know until next Christmas.

**DR FOSKEY:** I have a budget related question. When you have needed those extra funds, is it in the second appropriation bill or are they just found from the ESA?

**Mr Hargreaves:** No. There are three ways in which we can get it. Remember that we are not talking about the ESA paying for this. We are talking about TAMS paying for this. If we are talking about the urban edge or we are talking about the nature park, it depends on which one of the ministers would actually apply for additional funding.

What happens is that we look at the TAMS budget to see whether or not there are savings to be achieved that can cope with that. Secondly, if it is a really large amount, the cabinet would consider a supplementary appropriation, if necessary. Usually they are not required. If it is something that we could not anticipate, Dr Foskey, that is what the Treasurer’s advance is for. It really depends year by year whether we can cope or we cannot. Some years we can cope quite happily within the budget that we have got.

**MR PRATT:** Are you squared away, Dr Foskey?

**DR FOSKEY:** Yes, thank you, Mr Pratt.

**MR PRATT:** Returning to a previous question, minister, I asked you before about the Victorian code of practice for fire management on public land and the standards being adjusted. I am baffled by your answer. Why are you, as the land manager responsible, unable to give this committee details on the best practices and standards that you work to?

**Mr Hargreaves:** A nicely loaded question, that. Your question earlier on was: have you put into practice the Victorian ones? What year was McLeod done? You are asking me to recall something that happened quite a number of years ago and recall it off the top of my head.

**MR PRATT:** No.

**Mr Hargreaves:** That is a bit unreasonable.

**MR PRATT:** I will rephrase that. If that is what you think, which was not the intention of the question, in 2008, as the land manager for public land on the urban edge, why can't you tell us more about the benchmarks and the standards that you work to to prepare your mitigation tasks?

**Mr Hargreaves:** Look, there are a couple of things here you need to understand. Firstly, public land is all non-lease land, right. That does not mean that I am responsible for all pieces of public land, because I am not. I stress that I have got the minority of the amount of land that is covered by TAMS and PCL. There is a joint responsibility there.

Secondly, I do not carry around in my head that level of detail. I indicated to the committee that I will happily go away and answer your questions on notice about the level of standards that applies. I would point out to the committee that the Department of Territory and Municipal Services are a very, very large and very complex organisation. Nobody would, I hope, expect me to be able to just, at the drop of a hat, quote the standards which apply to every single part of that organisation. That would be grossly unreasonable.

**MR PRATT:** We are not asking you to—

**Mr Hargreaves:** I am happy to come back and tell you what standards apply that we use, okay. What the committee must please understand is that the—

**THE CHAIR:** If you do that in writing initially, that would help.

**Mr Hargreaves:** What the committee must please understand is that what we do is to comply with the Emergency Services Act. That is what we do. If you look at the standards which we have to achieve, they are contained in the SBMP, which is compiled because of the Emergency Services Act. Our role and responsibility in that



is to provide the bushfire operation plan. Contained in the bushfire operation plan—you have got it there—is what we do.

**MR PRATT:** We were not, or at least I was not asking you to quote codes and numbers.

**Mr Hargreaves:** I thought you were.

**MR PRATT:** No. We were asking you to tell us a little bit about the standard and what you understood to be the benchmarks that you had to work to.

**Mr Hargreaves:** That is contained in the bushfire operation plan. Have a look. Again, you are asking me such a blanket question. It is really. I mean, I ask the committee to be a little bit reasonable about this. You are asking me a very blanket question about every standard that might apply to this. If you have got specific ones, let me address them for you. If you are just talking about the per metre mowing strip, then we will tell you about that. If you are talking about the height grass that we keep it to, we can do that too.

**MR PRATT:** We have actually asked you to take those on notice.

**Mr Hargreaves:** I need to know. I just quoted you two.

**MR PRATT:** They are on notice anyway.

**Mr Hargreaves:** Yes, but if you can be specific about that, I will be delighted to tell you. In fact, what happens with the bushfire operation plan—for example, we mow to a certain height, depending on the weather pattern. Sometimes you can mow—I think it was to something like 25 centimetres—and in other places you cannot. It depends on where you are, what it is.

**THE CHAIR:** Minister, I note your acceptance of taking things on notice and answering specific questions there. I think if members do have any further specific questions on that, place them on notice and we will get them to the minister. Mr Pratt, I think you mentioned some additional photos. Those could perhaps be tabled and placed on notice, too, in relation to any questions you may have in relation to that. The minister has already taken it on board and Mr McNulty has a number of issues the committee would like addressed and like advice on and documentation on. I would expect those in due course as well.

Are there any further questions of the minister while we have him? Thank you, minister, for your attendance, and Mr McNulty.

**Mr Hargreaves:** Thank you very much, Mr Chairman.

**The committee adjourned at 10.30 am.**