



Our Ref: 17127; 14/17512

COPY SENT TO:	
1. <u>JUSTIN</u>	
2.	
3.	

SHIRE OF YORK	
FILE <u>PS-FES</u>	
OFFICER	INITIALS
<u>MICHAEL</u>	
<u>KANGERS</u>	
5 - JUN 2014	
<u>1140 623</u>	
REFERRED TO COUNCIL	
DATE	INITIALS

Mr Michael Keeble
 Chief Executive Officer Shire of York
 PO BOX 22
 YORK WA 6302

Dear Mr Keeble

PERMIT TO BURN THE BUSH – OFFICE OF BUSHFIRE RISK MANAGEMENT REVIEW

As you are no doubt aware, under the provisions of the *Bushfires Act 1954* (BF Act), local government are responsible for managing the Permit to Burn the Bush system (s18) and the appointment of Bush Fire Control Officers (s38) to issue such permits across its area. The BF Act also provides for the Local Government CEO to issue permits and to prescribe the duties and powers available to its Bush Fire Control Officers (FCOs). As part of a broader need to align prescribed burning practices to the international risk management standard (ISO 31000), the Office of Bushfire Risk Management (OBRM) commenced a review of the permit system in early 2013.

You may recall that in January 2013, I wrote to you inviting your local government to participate in a trial of a revised permit. Following a trial across two southern burning seasons and eight local governments, the trial is now complete. I have attached a brief report outlining the trial outcomes. In summary they are:

- Most Permits were issued for the purpose of burning piles (e.g. heaps of garden refuse or other vegetation waste), though a minority were for larger areas and/or hazard reduction type burns;
- The issuing practices and use of existing permits varied considerably between local governments and individuals;
- A lack of understanding regarding the Regulations covering burning activities was evident among many FCOs;
- The trial permit was regarded as a good initiative, though much of the feedback centred on the unsuitable layout, detail required, complexity and work required by an FCO to complete the form; and
- Two local governments were satisfied with the new format have chosen to adopt it as their standard.

It won't surprise you that the management of planned burning by private landholders is a double-edged sword – one edge being the need to encourage and foster safe use of fire for risk reduction and agricultural purposes, the other being the need to ensure adequate controls are in place to minimise risks to the local government and its permit

issuers. OBRM's challenge is to develop a format, or formats, that balance these needs and provide a contemporary system for use by local government. To this end, OBRM has considered the outcomes of the permit trial and proposes the following as the future direction for this project:

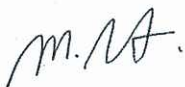
- Development of a refined permit system that involves two tiers to manage lower risk and higher risk burns;
- Development of an accompanying best practice guide for issuing permits that provides clear guidance and help to permit issuing officers (risk assessment, sample conditions etc); and
- The Bush Fires Regulations to be updated to reflect the new format and guide, if required.

To this end, I therefore seek your views about:

1. What are the risks associated with your management of your current permit system?
2. What processes and controls do you have in place to manage the risks associated with the issuing of permits? Do you have a documented process? What training is offered to your FCOs? Do you maintain records?
3. Are you satisfied that your current permit format and issuing system adequately supports your management of the risks? If not, why?
4. Would you consider adopting a new permit format and best practice guide, if recommended and published by OBRM?
5. Would you be interested in using an online system to record and issue permits, if it were available?
6. Do you have any other comments or suggestions for improving the permit system?
7. OBRM will be seeking local government input into the next phase of this project. If you would like your local government to be involved, please let us know.

I would appreciate your reply – either by post or email to obrm@dfes.wa.gov.au - by 20 June 2014. Please do not hesitate to contact Mr Tim McNaught, OBRM Executive Manager, on 9395 9897 if you have any questions concerning this letter.

Yours sincerely



MAL CRONSTEDT AFSM
DIRECTOR OBRM
26 May 2014

cc Wayne Gregson, Commissioner



Government of **Western Australia**
Department of **Fire & Emergency Services**
Office of Bushfire Risk Management



Local Government Permit Trial Report

May 2014

1 Background

The Keelty Special Inquiry into the 2011 Margaret River bushfire, that started from an escaped prescribed burn, highlighted the need for agencies to review the adequacy of their risk management practices in relation to planned fire. From this inquiry, the State Government created the Office of Bushfire Risk Management (OBRM), an independent office reporting directly to the FES Commissioner. A core function of OBRM is to regulate prescribed burning and promote best practice in the management of bushfire-related risk.

During the past two years, OBRM have worked closely with the Department of Parks and Wildlife (DPaW) and the Department of Fire and Emergency Services (DFES) to align their planned fire practices and procedures with AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, the Australian standard for risk management. The Local Government Permit Trial was a first step towards addressing the alignment of local government planned fire practices with the Standard.

The practices used by local government to issue permits to burn within their municipalities vary across the State. Minimum requirements are addressed under the *Bushfire Act 1954* and its associated regulations; however the legislation is outdated and does not consider contemporary models for the assessment and management of risk.

2 Project Overview

In March 2013, OBRM commenced a project to trial a draft permit to burn with several local governments during the 2013 autumn and spring restricted burning seasons. Participation in the trial was voluntary and could include the local government area as a whole, or in part. The trial permit was developed by OBRM and supplied to the participating local governments for their use.

There were two key aims of the trial:

1. To trial a revised format permit that included a short risk assessment process, applied by the permit issuing officer, prior to a permit being issued; and
2. To collect general data relating to the volume, type and complexity of the permit burning activities undertaken.

In addition to trialing the permit, participating local governments were asked to supply their past three years of permit data to OBRM for analysis. Feedback was collected from participating local governments at the conclusion of the trial.

The participating local governments included:

- Shire of Gingin (Autumn 2013)
- Shire of Capel (Autumn 2013)
- Shire of Dardanup (Autumn 2013)
- Shire of Serpentine-Jarrahdale (Autumn 2013)
- City of Rockingham (Autumn and Spring 2013)
- Shire of Nannup (Autumn and Spring 2013)
- City of Kwinana (Spring 2013)
- Shire of Donnybrook-Balingup (Autumn 2013)

3 Summary of the Feedback

Feedback sought from participants focused on the trial permit and their personal experiences using the form. Participants included volunteer Bushfire Control Officers, Community Emergency Services Managers, and local government rangers, managers and staff.

Although initial feedback on the format of the trial permit was unfavourable, there has been a significant shift during the final stages of the project. Feedback collected after the Spring Trial was noticeably more positive, with two participating local governments opting to continue using the trial permit beyond the conclusion of the trial.

3.1 Trial Permit - Content, Format and Layout

The feedback relating to the trial permit's content, format and layout is summarised below:

- Many participants felt that the A3 format of the trial permit was cumbersome, could not be faxed or emailed and was difficult to use in the field. Participants suggested a basic permit format should be retained, with a separate form, checklist or online form used for documenting the additional burn information and risk assessment contained in the trial permit.
- Many participants requested that a list of the most common conditions (with checkboxes to tick) be included on any future standard permit to reduce the amount of writing involved.
- The sketch area provided to draw a diagram of the area surrounding the proposed burn was generally well received. Many participants found the sketch area a useful tool to highlight to the permit holder the risks and assets identified and demonstrate how conditions were to be implemented (e.g. drawing in boundaries to the burn or firebreaks). Some participants suggested that the sketch area needs to be larger to be effective. Other participants used local government mapping programs (e.g. Intramaps) to map the area and attached a printed copy of the map to the permit.
- It was requested that any future standard permit include a prominent statement highlighting that there is no requirement for a Fire Control Officer (FCO) to inspect a burn and that the onus is on the permit holder to comply with the conditions set out within the permit. This is in addition to the conditions referred to in the relevant sections of the Act and Regulations printed on the back of the permit.
- Inclusion of a statement directing permit holders to dial '000' in the case of an emergency or escape was requested.
- Participants suggested that some questions on the trial permit were not relevant to the process or could be combined.

Finding 1

The trial permit format was generally not recommended due to its A3 size and the inclusion of the risk assessment component on the permit issued. Development of an A4 permit and separate risk assessment form or checklist is the option recommended by participants. Interest exists for development of an online system.

Finding 2

Inclusion of a list of the most common conditions and checkboxes to tick (as appropriate) on the permit is the format preferred by participants; combined with a general writing area to add additional conditions when required.

Finding 3

The inclusion of a drawing area or mapping process was found to be highly beneficial.

Local Government Permit Trial Report

Finding 4

Additional statements be included on the permit to highlight the requirement to call '000' in the event a burn becomes uncontrolled, and that an FCO is not required to conduct an inspection with the onus being on the permit holder to comply with the conditions set out within the legislation and by the permit.

3.2 Trial Permit – Process

The feedback relating to the trial permit process is summarised below:

- Some participants expressed concern that the trial permit took too long to complete, even after becoming familiar with the questions and layout.
- Several participants commented that face-to-face interaction with the person seeking a permit was critical to the process of issuing a permit.
- There was a mixed response to inclusion of the permit holder's signature on the trial permit. Some participants were highly supportive, while others commented that seeking the permit holder's signature made it difficult to fax, post or email the permit (due to the triplicate nature of the form).
- Some participants felt that inspection of the proposed burn area was critical and should be a mandatory part of the process. Other participants highlighted the need for flexibility and that inspection should be left to the permit issuing officer's discretion. The participants' view on this issue tended to reflect the level of bushfire risk existing within the local area. Metro based local governments and those located in areas of high risk (e.g. high risk vegetation, significant urban-bushland interface areas) were supportive of an increased requirement for inspection. Those in areas of lower risk, or primarily in agricultural areas, were supportive of maintaining the flexibility allowed within the current Act and Regulations.
- Some participants commented that assessment of the risk involved in a particular burning activity is subjective and based purely on the permit issuing officer's perception of risk.
- There was a common perception amongst participants that a significant percentage of permits were issued for low risk burning activities, such as small/medium pile burns or agricultural burns of low risk. Activities of higher risk were generally thought to be deferred to the winter burning season or undertaken with assistance from the local brigade. This feedback is consistent with the data collected, which indicates that a high percentage of permits are issued for garden refuse and pile burns.
- Many participants perceived the majority of the permits they issued to be for low risk activities and felt the level of risk did not justify the detailed assessment required by the trial permit. Many felt that the trial permit had merit, but was too onerous for their particular circumstances. This view was generally found in areas perceived to be of low risk.
- Some participants expressed concern regarding the level of detail required by the trial permit and the nature of some of the questions asked. Some commented they felt uncomfortable requesting such detailed information from the individual seeking a permit. Some participants said they encountered individuals that were reluctant to provide their contact information, and one individual objected when asked to specify the material they intended to burn. This feedback is reflective of permit issuing practices that have been lacking in the past, and highlight the need for additional education and guidance for permit issuing officers.

Finding 5

The majority of permit burning activities appear to be garden refuse and small pile burns. The general level of risk associated with these activities does not support the introduction of a complex risk assessment process for all permits, locations and activities. The additional time required to complete the risk assessment for such low risk activities is a significant disadvantage to the trial format, as the permit system is supported primarily by volunteers. A percentage, albeit small, of permit burning activities do present a risk to the community. In these cases, application of an enhanced risk assessment process would be sufficiently justified.

Finding 6

Provisions already exist within the legislation to manage low risk burning activities without a permit needing to be issued. To offset the additional time required to apply an enhanced risk assessment process to higher risk burning activities, processes for low risk activities could be streamlined.

Finding 7

From the feedback it is evident that further education is needed regarding the provisions within the legislation and the responsibilities of local governments, permit issuing officers and the general public.

3.3 General Comments and Observations

General feedback and other observations are summarised below:

- Many permit issuing officers have processes in place, formalised or otherwise, to identify burning activities that pose a higher risk of escape. The methods used to trigger a more intensive risk assessment vary greatly between local governments and individuals.
- Risk assessment often relies heavily on the location of the burn being the main trigger for stricter conditions, and local knowledge of the area plays an important role in determining conditions. Many participants place a significant emphasis on their personal knowledge and previous association with the individual seeking a permit. Many decisions are based on an individual's conduct and performance when permits have been issued on previous occasions.
- Where the permit holder is known to the permit issuing officer, the process seems to be less rigorous. When an unknown individual sought a permit, some participants cited body language, attitude and the general 'sense' or 'feeling' they got from the permit seeker to be the key basis for decision making. Much of this process was through verbal interaction and is not recorded.
- Generally, inspection of the proposed burn is more common when the permit issuing officer is unfamiliar with the property, location or individual seeking the permit.
- Discussions held with permit holders and the information considered during the decision making process is sometimes documented, mainly on an ad hoc basis and in various formats. Several participants found the trial permit to be an effective method of systematically recording discussions and assessment processes.
- Many participants have expressed concern that despite conditions being included on the permit issued, it is still the responsibility of the permit holder to undertake the burn in accordance with those conditions. While compliance with the conditions is required for the permit to be valid, they felt there is a limit to the control a permit issuing officer has once the permit is issued.
- Two participating local governments have opted to continue using the trial permit beyond the formal conclusion of the trial project.

- Interest in an online system was indicated.

Finding 8

Further investigate the level of interest in development of an online system and the possible benefits that may be derived.

4 Conclusion

Feedback gathered from the participating local governments has demonstrated that risk, perceived and actual, varies greatly between locations. Likewise, the processes used to issue permits, and the requirement to manage the risk associated with these activities, also varies significantly between locations and individuals. The project has highlighted the need for an improved framework to be developed that balances risk management, accountability and flexibility, without adding an unnecessary level of administrative process.

The project has demonstrated that the trial permit, in its current format, is not recommended for state-wide implementation. Further modifications to the questions, format and layout are required. From the feedback, it is suggested that a fairly basic permit be maintained as a standard, and the risk assessment component be provided in a checklist type format to guide the permit issuing officer in their decision making. Further consideration needs to be given to the appropriate method for recording matters discussed with the permit holder and the decision making processes used.

The level of risk associated with a significant proportion of permit burning activities indicates that many permits may be issued unnecessarily and there is opportunity to streamline low-risk burning processes. Provisions already exist within legislation to manage these activities. Further consultation is required with stakeholders to determine the appropriate level of management required for low-risk burning activities.

Feedback from the trial indicates that any future standard permit proposed by OBRM would need to consider the possibility of a two-tiered system. A basic permit, or simple notification/registration process, for straightforward lower risk burns may provide a suitable level of control over activities that are undertaken within the provisions of the legislation, while still maintaining a degree of oversight, with a more prescriptive process for complex or running fire type burns. There is also interest in exploring the possibility of an online system.

The need for greater education and guidance to local government, permit issuing officers and the public was a recurring theme highlighted in the feedback received.

The next phase of this project will be to write to all affected local governments to present the findings from this trial project and seek general comment on the permit system and the recommendations presented in this report.

5 Recommendations

Based on the outcomes of the Permit Trial Project, the following actions are recommended:

Recommendation 1

The findings from this project are made available to local governments for their consideration and comment. Views on the current permit system should also be sought.

Recommendation 2

Local Government Permit Trial Report

The trial permit be further refined, based on the feedback from this project and subsequent stakeholder consultation, and published as the standard permit for recommended or voluntary adoption by affected local governments.

Recommendation 3

A 'best practice' guide is developed by OBRM for adoption by affected local governments and use by permit issuing officers.

Recommendation 4

Further consideration to be given to the feasibility of developing an online system for the State.

Recommendation 5

Consideration is given to any future impact the emergency services legislative review may have on the permit system. However, if deemed that interim changes to the Regulations are required, these should be pursued.

