



# Cultural Burning – A Road Map for Future Broadscale Implementation

### Background

The Australian biota (the animal and plant life of a particular region, habitat, or geological period) was shaped over tens of thousands of years by Aboriginal fire management. Aboriginal fire management regimes, in turn modified the impact that lightning caused fires had on flora and fauna across the continent.

Over the past two centuries this management regime has been removed from southern Australia. The loss of traditional management and reduced areas of low intensity burning by landowners and managers across private and public land, has increased the frequency and area burnt by high intensity bushfires. Consequently, flora and fauna diversity and overall health of the remaining native forests and other natural ecosystems has been compromised.

In recent years, small cultural burning programs have been undertaken on the NSW South Coast. These programs are a first step in restoring country over future decades.

Indigenous fire methods protect land before and after the Tathra bushfire - ABC News

Cultural burning and soils testing with the Batemans Bay Local Aboriginal Land Council | NSW Environment and Heritage

If the scale of cultural burning is to be increased, there are a number of barriers that must be addressed.

### **Barrier 1: Legislative Framework**

Some Relevant Legislation.

### NSW Biodiversity Conservation Act 2016

# SCHEDULE 4 –<u>KEY THREATENING PROCESSES</u>

*High frequency fire resulting in the disruption of life cycle processes in <u>plants</u> and <u>animals</u> and loss of vegetation structure and composition.* 

The listing of *"high frequency fire"* as a threatening process stems from the failure of ecologists and legislative bureaucrats to understand that high frequency, high intensity fire is THE threatening process for biodiversity, soil and water and other landscape values. High frequency, LOW INTENSITY fire is more typical of fire regimes prior to 1788.

However, the legislative red tape is focussed on managed fire, creating barriers that stifle current broad scale low intensity planned burns. As the cultural burning footprint expands, with potentially shorter return times, current legislation will also obstruct a broader adoption of this megafire mitigation and country restoring program.

Extracts from the NSW Rural Fires Act 1997 below, show the paperwork that needs to be prepared by landowners and managers, before any planned burning can be undertaken. It is somewhat ironic, that despite the ecological consequences of the 2019-20 high intensity megafires on the Greater Blue Mountains World Heritage Area (GBMWHA), nothing has changed from a legislative perspective. The area burnt in the GBMWHA was 15.55 percent of the total area burnt in NSW. See the table below.





#### **GBMWHA Burnt**

<b>GBMWHA Burnt</b>	Area (Ha)	Burnt (Ha)	% Burnt
Wollemi NP	502,600	380,826	76
Blue Mountains NP	269,200	196,381	73
Yengo NP	167,600	155,927	93
Kangangra-Boyd NP	71,600	62,646	87
Nattai NP	50,660	43,467	86
Gardens of Stone NP	15,120	12,693	84
Jenolan KCR	3,142	3,078	98
Thirlmere Lakes NP	662	292	44
Total GBMWHA	1,080,588	855,310	79

### **GBMWHA Native Fauna Impacted**

Fauna	Number Impacted by GBMWHA Fire				
Mammals (Excl. bats)	15.0 million				
Birds	17.7 million				
Reptiles	- 110.4 million				
Total GBMWHA	143.1 million				

[\* Density of mammals, birds and reptiles in NSW is based on C. Johnson, H. Cogger, C. Dickman and H. Ford (2007), *Impacts of Landclearing: The Impacts of Approved Clearing of Native Vegetation on Australian Wildlife in New South Wales*, WWF-Australia, Sydney.]

### https://bluemountains.org.au/bushfires.shtml

Three billion (3,000,000,000) birds, mammals and reptiles was the estimated national fauna death toll resulting from the 2019-20 megafire disaster.

Despite this disaster, NSW and federal environmental regulatory frameworks remain silent on the risk that high intensity megafires pose to the environment and human lives, property and infrastructure. In contrast, the use of managed low intensity fire is highly regulated.

Some relevant sections of the *Rural Fires Act 1997,* (RF Act) that apply to bushfire hazard reduction work (including burning), are below. The Acts referenced in Section 100C (4) the RF Act, also impose environmental barriers to low intensity burning, but are also silent on the disastrous social, environmental and economic consequences of high intensity megafires.

However, any breach of the legislation by private and some public land managers undertaking planned burning are subject to court action, fines and penalties. Penalties are applied, regardless of whether there is any measurable environmental harm.

### 100C Carrying out bush fire hazard reduction work.

(4) Bush fire hazard reduction work may be carried out on land despite any requirement for a licence, approval, consent or other authorisation for the work made by the <u>Biodiversity</u>





<u>Conservation Act 2016</u>, the <u>National Parks and Wildlife Act 1974</u> or any other Act or instrument made under an Act only if--

(a) the work is carried out in accordance with a bush fire risk management plan that applies to the land, and

(b) there is a bush fire hazard reduction certificate in force in respect of the work and the work is carried out in accordance with any conditions specified in the certificate, and

(c) the work is carried out in accordance with the provisions of any bush fire code applying to the land specified in the certificate.

The decline in the annual area of fuel reduction carried out in NSW since 1999-2000 until 2023 is recorded in the table below. Figures are from the Rural Fire Service annual reports.

Cost of RFS         Fire Mitigation         Fire Mitigati	SOURCE: RFS ANNUAL REPORTS		AREA OF FUEL REDUCTION BY BURNING &			MECHANICA	L MEANS (F	la)						
Year         (\$'000)         RFS*         BFMC/PP         NPR.WS         FCNSW         Crown Land         Council         Agencies         Total FR         Only #         (\$'000)         Retraines           999-2000         \$93,200          589,313            744,009         355,507         2.37%           2000-01         \$93,200          589,313            891,025         441,989         2.295%           2000-02         \$27,947.18          581,827         2.003         54,504         20,064         381,827         443,969         2.295%           2000-40         \$151,5279         2.430         1,267,76         65,451         75,540         2.801          322,558         241,926         1.65%           2006-60         \$177,519         15,759         3,647         32,026         38,008         1,286         31,387         1,388         100,742         71,861         0.02%         0.55%           2006-60         \$177,519         15,759         3,647         32,102         0.857         36,713         1,385         107,742         71,861         0.62%           2007-60         \$223,312		Cost of RFS	Fire Mitigation							Other Govt		Total FRB	Aircraft Hire	Percentage of 20 Million
1999-2000       58,129       474,009       474,009       355,507       2.37%         2000-01       539,300       589,319       Image: Seg 319       Seg 319       441,989       2.95%         2001-02       5179,218       581,825       Image: Seg 319       441,989       2.95%         2002-03       5240,989       475,947       2,000       54,504       20,624       938       536,016       402,012       2.668%         2003-04       5141,074       Image: Trans,776       65,451       75,550       2,801       Image: Trans,776       65,451       75,560       2,801       108,885       79,378       0.55%         2006-07       525,294       13,030       8,892       23,840       43,716       911       25,485       1,838       109,885       79,378       0.55%         2007-08       523,294       13,030       8,892       23,440       43,716       911       22,485       1,838       100,428       78,012       0.54%         2007-08       523,294       14,343       8,970       40,117       0,532       2,466       1,230       8,908       0.62%         2007-10       5316,080       57,207       44,531       16,758       9,701       1,032	Year	(\$'000)	(\$'000)	RFS*	BFMC/PP	NP&WS	FCNSW	<b>Crown Land</b>	Councils	Agencies	Total FR	Only #	(\$'000)	Hectares
2000-10         §93,200         §83,319         Image: solution of the solu	1999-2000	\$84,129			474,009						474,009	355,507		2.37%
2001-02         S179_218         S81,825	2000-01	\$93,200			589,319						589,319	441,989		2.95%
2020-30         S240,989         457,947         20,03         54,504         20,242         98         S36,016         402,012         2.689           2003-04         S141,074         178,776         65,451         7,550         2,801         Image: Constraint of the constrai	2001-02	\$179,218			581,825						581,825	436,369		2.91%
2003-04         S141,074         178,776         65,541         75,540         2,801         -         222,562         241,926         1.613           2004-05         \$152,269         24,330         12,627         36,377         36,403         943         22,652         883         109,885         79,378         0.555%           2005-06         \$177,519         15,759         3,647         32,026         38,080         1,284         1,388         109,285         79,378         0.555%           2007-08         \$223,312         19,517         21,656         49,514         30,719         2,503         10,464         9,701         124,556         98,198         0.62%           2008-09         \$247,724         2,6443         8,897         60,117         30,652         2,465         12,304         8,908         124,553         103,666         0.62%           2001-11         \$307,470         \$12,040         14,717         7,398         58,092         10,884         4,195         31,573         5,491         117,633         74,858         0.669%           2011-12         \$286,771         \$5,507         28,748         9,702         49,791         19,736         43,757         15,558         138,211<	2002-03	\$240,989			457,947	2,003	54,504	20,624	938		536,016	402,012		2.68%
2004-05         \$152,269         24,390         12,627         36,377         36,403         943         22,622         883         109,885         79,378         0.55%           2005-06         \$177,519         15,759         3,647         32,026         38,008         1,286         31,387         1,388         107,742         71,861         0.54%           2006-07         \$253,294         13,03         8,892         23,840         43,716         911         25,495         1,385         107,742         71,861         0.52%           2007-08         \$223,312         19,517         21,656         49,514         30,719         2,503         10,644         9,701         124,556         98,198         0.62%           2009-10         \$316,060         \$7,207         44,511         16,758         95,673         36,216         5,786         16,001         4,181         117,606         148,504         0.87%           2010-11         \$307,470         \$12,040         14,717         7,398         80,092         10,884         4,955         20,310         11,945         281,492         252,734         0.67%           2011-22         \$286,771         \$5,679         8,748         9,702         19,703	2003-04	\$141,074			178,776	65,451	75,540	2,801			322,568	241,926		1.61%
2005-66         \$177,519         15,759         3,647         32,026         38,008         1,286         1,387         1,385         107,742         71,861         0.64%           2006-07         \$253,234         13,003         8,892         23,840         43,716         911         25,495         13,855         104,644         9,701         124,556         98,198         0.62%           2007-06         \$223,312         19,517         21,656         49,514         30,719         2,503         10,464         9,701         124,556         98,198         0.62%           2009-10         \$316,080         \$7,207         44,531         16,758         95,673         36,216         5,786         16,091         4,181         174,706         154,504         0.87%           2010-11         \$307,470         \$12,040         14,717         7,398         58,092         10,844         4,955         20,310         11,945         281,492         252,734         1.41%           2013-13         \$374,110         \$10,226         26,408         3,220         20,954         2,1468         4,955         20,310         11,945         281,492         252,734         1.41%           2013-16         \$312,550         \$5	2004-05	\$152,269		24,390	12,627	36,377	36,403	943	22,652	883	109,885	79,378		0.55%
2006-07       \$233,294       13,003       8,892       23,840       43,716       911       25,935       10,428       78,012       0.52%         2007-08       \$223,312       19,517       21,656       49,514       30,719       2,503       10,464       9,701       124,556       98,198       0.62%         2008-09       \$224,724       26,443       8,897       60,117       30,652       2,345       10,346       9,701       124,556       98,198       0.62%         2008-09       \$2247,224       26,443       8,897       0,17       30,652       2,456       12,338       103,686       0.62%         2009-10       \$316,080       \$7,207       44,511       16,78       95,673       36,216       \$,786       16,091       4,181       174,706       154,504       0.87%         2010-11       \$5306,771       \$5,770       19,702       49,791       19,703       8,677       31,517       138,211       89,884       0.69%         2011-12       \$236,771       \$5,174       40,319       10,819       114,154       7,259       4,220       15,707       15,707       15,707       152,157       136,101       0.76%         2011-15       \$311,850       \$4	2005-06	\$177,519		15,759	3,647	32,026	38,008	1,286	31,387	1,388	107,742	71,861		0.54%
2007-08         5223,312         19,517         21,656         49,514         30,719         2,506         12,4556         98,198         0.62%           2008-09         \$247,234         26,443         8,897         60,117         30,652         2,456         12,304         103,686         0.62%           2009-10         \$316,080         \$7,207         44,531         16,788         95,673         36,216         5,786         16,091         4,181         174,706         154,504         0.87%           2010-11         \$307,470         \$12,040         14,717         7,398         58,092         10,884         4,195         31,573         5,491         117,633         74,858         0.65%           2011-12         \$286,771         \$50,07         28,748         9,702         49,791         19,703         8,677         34,777         15,583         138,211         89,884         0.66%           2013-13         \$510,251         \$26,630         13,232         209,595         20,310         11,945         281,492         10,414         .06%           2013-13         \$526,590         \$5,724         40,321         116,251         2,165         3,770         15,777         5,327         136,102 <td< th=""><th>2006-07</th><th>\$253,294</th><th></th><th>13,003</th><th>8,892</th><th>23,840</th><th>43,716</th><th>911</th><th>25,495</th><th>1,385</th><th>104,238</th><th>78,012</th><th></th><th>0.52%</th></td<>	2006-07	\$253,294		13,003	8,892	23,840	43,716	911	25,495	1,385	104,238	78,012		0.52%
2008-09         5247,224         26,443         8,897         60,117         30,662         2,456         12,304         8,908         123,335         103,666         0.62%           2009-10         \$316,080         \$7,207         44,531         16,758         95,673         36,216         5,786         16,091         4,181         174,706         154,504         0.87%           2010-11         \$307,470         \$55,507         28,748         9,702         49,791         19,703         8,677         34,757         15,583         138,211         89,884         0.69%           2013-14         \$314,2051         \$65,877         40,319         114,154         7,259         4,222         16,066         4,702         157,222         136,102         0.79%           2014-15         \$311,185         \$4,223         25,957         8,936         16,621         2,165         3,770         15,707         5,229         126,157         130,911         0.76%           2014-15         \$311,185         \$4,223         14,942         8,188         14,864         11,089         285,401         264,927         \$4,267         1.43%           2014-16         \$325,590         \$5,774         34,22         1,017 <td< th=""><th>2007-08</th><th>\$223,312</th><th></th><th>19,517</th><th>21,656</th><th>49,514</th><th>30,719</th><th>2,503</th><th>10,464</th><th>9,701</th><th>124,556</th><th>98,198</th><th></th><th>0.62%</th></td<>	2007-08	\$223,312		19,517	21,656	49,514	30,719	2,503	10,464	9,701	124,556	98,198		0.62%
2009-10       \$316,080       \$7,707       44,531       16,758       95,673       36,216       5,786       16,091       4,181       174,706       154,504	2008-09	\$247,234		26,443	8,897	60,117	30,652	2,456	12,304	8,908	123,335	103,686		0.62%
2010-11       \$307,470       \$12,040       14,717       7,398       58,092       10,884       4,195       31,573       5,491       117,633       74,858       0.59%         2011-12       \$286,771       \$6,507       28,748       9,702       49,791       19,703       8,77       34,757       15,583       138,211       89,884       0.69%         2012-13       \$374,110       \$10,226       26,408       13,202       209,594       21,468       4,955       20,310       11,945       281,492       25,774       1.41%         2014-15       \$311,185       \$4,253       25,957       8,936       16,521       2,165       3,770       15,707       5,329       126,102       \$4,267       1.43%         2016-17       \$357,679       \$8,422       7,920       86,942       17,332       5,391       19,030       4,045       140,666       115,222       \$2,9355       0.70%         2016-17       \$357,679       \$8,421       7,920       86,942       13,724       3,770       1,438       4,002       147,626       129,472       \$4,267       1.43%         2016-17       \$557,679       \$58,412       19,924       144,824       8,191       84,824       \$4,253 <t< th=""><th>2009-10</th><th>\$316,080</th><th>\$7,207</th><th>44,531</th><th>16,758</th><th>95,673</th><th>36,216</th><th>5,786</th><th>16,091</th><th>4,181</th><th>174,706</th><th>154,504</th><th></th><th>0.87%</th></t<>	2009-10	\$316,080	\$7,207	44,531	16,758	95,673	36,216	5,786	16,091	4,181	174,706	154,504		0.87%
2011-12       \$286,771       \$6,507       28,788       9,702       49,791       19,703       8,677       34,757       15,583       138,211       89,884       0.669%         2012-13       \$374,110       \$10,226       26,408       13,220       209,594       21,468       4,955       20,310       11,945       281,492       252,734       0.79%         2013-14       \$412,051       \$6,877       40,319       10,819       114,154       7,259       4,222       16,066       4,702       157,222       136,102       0.79%         2014-15       \$311,185       \$4,235       25,957       8,936       116,251       2,165       3,770       15,707       5,322       15,757       130,911       0.67%         2015-16       \$326,590       \$5,724       34,822       11,348       205,889       34,022       8,188       14,864       11,089       285,401       264,927       \$ 4,267       1.43%         2016-17       \$337,679       \$8,432       7,929       7,906       86,942       17,322       5,391       19,030       4,045       14,887       4,302       147,626       129,472       \$ 3,8405       0.72%         2017-18       \$85,122       \$8,737       18,531	2010-11	\$307,470	\$12,040	14,717	7,398	58,092	10,884	4,195	31,573	5,491	117,633	74,858		0.59%
2012-13       \$374,110       \$10,226       26,408       13,220       209,594       21,468       4,955       20,310       11,945       281,492       252,734	2011-12	\$286,771	\$6,507	28,748	9,702	49,791	19,703	8,677	34,757	15,583	138,211	89,884		0.69%
2013-14       \$412,051       \$6,877       40,319       110,819       114,154       7,259       4,222       16,066       4,702       157,222       136,102        0,79%         2014-15       \$311,185       \$4,253       25,957       8,936       116,251       2,165       3,770       15,707       5,329       152,157       130,911        0,76%         2015-16       \$326,590       \$5,724       34,282       11,348       205,889       34,022       8,188       14,864       110,089       285,401       264,927       \$ 4,267       1.43%         2016-17       \$357,679       \$8,432       7,929       7,906       86,942       17,332       5,391       19,030       4,045       140,646       115,223       \$ 29,355       0.70%         2015-17       \$357,679       \$8,432       7,929       7,061       102,121       9,054       7,216       14,887       4,302       147,626       129,472       \$ 38,405       0.74%         2019-20       \$585,122       \$8,793       -       6,187       137,764       34,079       3,284       1,002       1,675       5,889       45,642       36,266       2,0988       0.23%         2020-21       \$502,0	2012-13	\$374,110	\$10,226	26,408	13,220	209,594	21,468	4,955	20,310	11,945	281,492	252,734		1.41%
2014-15       \$311,185       \$4,253       25,957       8,936       116,251       2,165       3,770       15,707       5,329       152,157       130,911        0,76%         2015-16       \$326,590       \$57,72       34,282       11,348       205,889       34,022       8,188       14,864       11,089       285,401       264,927       \$ 4,267       1.43%         2016-17       \$357,679       \$8,432       7,929       7,906       86,942       17,332       5,391       19,030       4,045       140,646       115,223       \$ 29,355       0.70%         2017-18       \$371,370       \$8,077       18,531       10,047       102,121       9,054       7,216       14,887       4,302       147,626       129,472       \$ 38,405       0.74%         2018-19       \$585,122       \$8,793       -       6,187       137,764       34,079       3,794       9,144       8,281       199,248       144,294       \$ 42,55       1.00%         2019-20       \$993,031       \$5,427       5,674       29,400       2,811       4,422       8,191       8,864       176,499       161,958       \$ 7,299       0.88%         2021-22       \$500,06       \$14,792 <td< th=""><th>2013-14</th><th>\$412,051</th><th>\$6,877</th><th>40,319</th><th>10,819</th><th>114,154</th><th>7,259</th><th>4,222</th><th>16,066</th><th>4,702</th><th>157,222</th><th>136,102</th><th></th><th>0.79%</th></td<>	2013-14	\$412,051	\$6,877	40,319	10,819	114,154	7,259	4,222	16,066	4,702	157,222	136,102		0.79%
2015-16       \$326,590       \$5,724       34,282       11,348       205,889       34,022       8,188       14,864       11,089       285,401       264,927       \$4,267       1.43%         2016-17       \$357,679       \$8,432       7,929       7,906       86,942       17,332       5,391       19,030       4,045       140,646       115,223       \$29,355       0.70%         2017-18       \$37,779       \$8,077       18,531       10,047       102,121       9,054       7,216       14,887       4,302       147,626       129,472       \$38,405       0.74%         2019-20       \$993,031       \$5,427       5,674       29,400       2,811       4,220       7,742       5,701       55,548       34,189       \$25,510       0.28%         2012-22       \$502,006       \$14,792       2,639       31,153       3,284       1,002       1,675       5,889       45,642       36,662       \$20,988       0.23%         2022-23       \$663,159       \$18,186       4,270       71,768       6,016       1,902       4,254       2,501       90,710       82,393       \$ 5,433       0.43%         2022-23       \$663,159       \$18,186       4,270       71,768       6,	2014-15	\$311,185	\$4,253	25,957	8,936	116,251	2,165	3,770	15,707	5,329	152,157	130,911		0.76%
2016-17       \$357,679       \$8,432       7,929       7,906       86,942       17,332       5,391       19,030       4,045       140,646       115,223       \$29,355       0.70%         2017-18       \$371,370       \$8,077       18,531       10,047       102,121       9,054       7,216       14,887       4,302       147,626       129,472       \$38,405       0.74%         2018-19       \$585,122       \$8,793       -       6,187       137,764       34,079       3,794       9,144       8,281       199,248       188,294       \$42,553       1.00%         2019-20       \$993,031       \$5,427        5,674       29,400       2,811       4,220       7,742       5,701       55,588       34,189       \$25,510       0.28%         2020-21       \$487,301       \$7,837       89,454       55,967       9,581       4,442       8,191       8,864       176,499       161,958       \$7,299       0.88%         2020-21       \$502,006       \$14,792       2,639       31,153       3,284       1,002       1,675       5,889       45,642       36,266       \$2,988       0.23%         2021-223       \$663,159       \$18,186       4,270       71,768	2015-16	\$326,590	\$5,724	34,282	11,348	205,889	34,022	8,188	14,864	11,089	285,401	264,927	\$ 4,267	1.43%
2017-18       \$371,370       \$8,077       18,531       10,047       102,121       9,054       7,216       14,887       4,302       147,626       129,472       \$ \$ \$,8,050       0.74%         2018-19       \$\$85,122       \$8,793       -       6,187       137,764       34,079       3,794       9,144       8,281       199,248       184,294       \$ 42,553       1.00%         2019-20       \$99,301       \$5,427       0       5,674       29,400       2,811       4,220       7,742       5,701       55,548       34,895       \$ 25,510       0.28%         2020-21       \$487,301       \$7,837       0       89,454       55,967       9,581       4,442       8,191       8,664       176,499       161,958       \$ 7,299       0.88%         2021-22       \$502,006       \$14,792       2,639       31,153       3,284       1,002       1,675       5,889       45,642       36,265       \$ 20,894       0.428       0.01       0.01       82,393       \$ \$ 5,433       0.45%         2022-223       \$663,159       \$18,186       4,270       7,1768       6,016       1,902       4,254       2,501       90,710       82,393       \$ \$ 5,433       0.45%       0.45%	2016-17	\$357,679	\$8,432	7,929	7,906	86,942	17,332	5,391	19,030	4,045	140,646	115,223	\$ 29,355	0.70%
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2021-22       \$502,006       \$14,792       2,639       31,153       3,284       1,002       1,675       5,889       45,642       36,266       \$20,988       0.23%         2022-23       \$663,159       \$18,186       4,270       71,768       6,016       1,902       4,254       2,501       90,710       82,393       \$5,5433       0.45%         FRB Declime Between 1999-2009 & 2010-2023       43%       FRB Declime Between 1999-2004       200-2023       66%	2020-21	\$487,301	\$7,837		89,454	55,967	9,581	4,442	8,191	8,864	176,499	161,958	\$ 7,299	0.88%
2022-23       \$663,159       \$18,186       4,270       71,768       6,016       1,902       4,254       2,501       90,710       82,393       \$ 5,433       0.45%         Image: Second Se	2021-22	\$502,006	\$14,792		2,639	31,153	3,284	1,002	1,675	5,889	45,642	36,266	\$ 20,988	0.23%
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1999 - 2000 19 committees did not provide data, so actual area is likely to be under reported.	1999 - 2000 19 committees did not provide data, so actual area is likely to be under reported.													

At the local government level, new generation Bush Fire Risk Management Plans state:

**Environmental Approval for all Hazard Reduction:** Land management agencies will obtain environmental approval (through the Bush Fire Environmental Assessment Code, or other approval process) to undertake any activities that have the potential to impact the environment e.g. hazard reduction burning or vegetation removal. The environmental





assessment process considers flora, fauna, threatened species, cultural assets, soil erosion, riparian areas, biodiversity fire regimes, weeds and air pollution (smoke).

Nowhere is there any consideration of the effects on flora and fauna, if hazard reduction/ecological burning is not carried out and the area (usually forested), is subjected to a high intensity bushfire. See the attachment To Burn or Not To Burn for more information on this issue.



Impact of High Intensity Bushfires on Native Forest 1 Month After the Fire

# **Recommended Action**

LALC staff engage with the Rural Fire Service to determine what can be done to minimise the red tape relating to low intensity (cultural or other low intensity) burning approvals.

LALC staff continue to engage with the Rural Fire Service District Manager Far South Coast (Chris Allen) maximise ongoing Local Aboriginal Land Council (LALCS) representation on the Bega Valley and Eurobodalla Shire Bush Fire Management Committees (BFMC). During a meeting on 20 March 2024, Mr Allen said that a member from each LALC could be nominated for the relevant committee. This will allow multiple LALC representatives on each BFMC.

### Barrier 2: Some High-Profile Ecology and Fire Academics Argue Regular Burning, Regardless of Intensity is Bad for the Environment

Some high-profile academics have had peer reviewed papers published that claim Aboriginal burning, prior to the arrival of Europeans was selective and applied to only a small portion of the Australian landscape.

These claims are underpinned by lack of experience in fighting high intensity bushfires and undertaking low intensity burning. Computer modelling data that underpins computer





simulations to support their hypothesis is not made publicly available for testing by other experts. Modelling does not seem to replicate the physics of fire behaviour "in the wild."

Some claim that by "cooperating with country" by long term exclusion of fire, the forests will be less flammable and have a lower risk of being affected by high intensity bushfires.



High Intensity Bushfire in Forests with Fine Fuel (<6mm) Loads of 25 – 40 Tonnes per Hectare

Fortunately, the research of scientists such as Professor Michael-Shawn Fletcher (Melbourne University) and Professor Simon Haberle (Australian National University) do confirm the landscape use of fire by Aboriginal people. Some frank comments by Professor Fletcher provide the rationale for some of the following recommendations.

"Yet this knowledge of how to live on country faces challenges. Now, you might assume this challenge comes from the overtly racist, the deniers, the history revisionists, those who seek to and cannot recognise that Aboriginal people are humans.

But the challenge comes from both sides. And perhaps more insidiously, from those who purport, and espouse an empathy for Aboriginal culture and the impact that the British Invasion has had on us.

I'm referring to the wilderness or conservation movement.

If we think about what 'wilderness' is, it's an idea that is born from a European ideology, European epistemology. It means an uncultivated, uninhabited and inhospitable region."

"This ideology of wilderness destroys country in Australia."

Our Country, Our way | Pursuit by The University of Melbourne (unimelb.edu.au)





#### **Recommended Action**

That the LALCS reach out Professors Fletcher and Haberle and seek their support to highlight the flaws in the 'science' that opponents of more widespread application of cultural burning will use to undermine future programs.

### Barrier 3: Availability of Affordable Insurance

Many people in the broader community and key industry sectors do not understand the difference in fire intensity between different types of fire and the consequent risk to people and property.

For example, after the 2019-20 bushfire season, the public and products liability insurance costs for the fire operations for some northern Australian indigenous rangers tripled.

Indigenous rangers say fire mitigation work under threat after Black Summer bushfires triple insurance costs - ABC News

The number of insurers offering necessary insurance has reduced. On the NSW south coast, some Local Aboriginal Land Councils experienced difficulties in getting affordable insurance cover.

As cultural burning gains wider acceptance across Australia, leading insurers will need to be briefed on the lower risks of low intensity cultural burning compared to high intensity bushfires. They also need to understand that broader scale low intensity burning can reduce the risk bushfires pose to lives, property and livestock, as fire intensity associated with lower fuel levels is reduced, compared to fires burning in heavier fuel loads.

Insurance companies need to understand the role that broadscale cultural and other low intensity burning can play in reducing high intensity bushfire risk to insured (and uninsured) properties. If insurance companies recognise the low risk of managed cultural burns, compared to unmanaged high intensity bushfires, LALC insurance premiums should be reduced to reflect the lower risk.

If insurance companies support LALCs and other land managers to expand broadscale cultural and other low intensity burning, overtime, fire insurance payouts and premiums should decline.

### **Recommended Action**

That LALCs engage with Firesticks or other peak Aboriginal bodies to determine if any progress has been made in reducing insurance cover costs for cultural burning programs.

If insurance premiums have not been reduced, engage with AbSec and Aboriginal Affairs to arrange meetings with the Insurance Council of Australia or leading NSW insurance companies to commence a program for insurers to recognise and support cultural burning.

### **Opportunity 1: Providing More Opportunities for Aboriginal People to Work on Country**

LALCs have limited funding to employ and train rangers to manage LALC country. Both NSW National Parks and Wildlife Service and the NSW Forestry Corporation employ seasonal fire fighters.





If LALCs can form a partnership with NP&WS & FCNSW there may be opportunities to find more employment for Aboriginal people, that would help give connection to country. Work health and safety training as well as other skills development would be provided by the relevant government agencies.

### **Opportunity 2: Transport for NSW Pilot Cultural Burning Trial Along Major Highways**

The NSW government has announced a pilot program that will see traditional owners manage land along key highways at four sites. The pilot program will run for two years and Transport for NSW is open to a state-wide rollout. Trial sites include the Hume Highway near Batemans Bay and Bega.

### **Opportunity 3: A Collective Group of Relevant Government Agencies**

To provide one point for progressing the program and ensure a consistent government position, a collective of government will need to be formed to provide a one stop shop.

Relevant agencies that need to be engaged, include land management (NSW National Parks and Wildlife Service, Crown Lands and the Forestry Corporation of NSW) and regulators (Local Land Services, the Environment Protection Authority and/or the Department of Planning and Environment)

This program provides a great opportunity to demonstrate to the wider community that the right fire can be good for community safety and the environment.

Details for the proposed burning near Batemans Bay have not been finalised for autumn 2024. Some burning may yet be done on the Kings Highway.

LALCs will need to work closely with Transport for NSW and all landowners who have land adjoining the highway burns. The trial burns must be delivered successfully, if the trial is to give Transport for NSW confidence to roll out a statewide program.

Peter Rutherford

Coordinator Community Sector Disaster Capability & Resilience Project

This roadmap is supported through the Community Disaster Capability Project led by NCOSS Sector with LCSA and AbSec. Funded jointly by the Australian and NSW Governments through the Disaster Risk Reduction Fund.

