



POLICY NO 1/2011

ALLOCATION PRINCIPLES FOR FUNDING OF BUSH FIRE MITIGATION WORKS

General

Bush Fire Coordinating Committee *Policy No 3/2005 – Fire Mitigation Works Funding*, is hereby revoked and is replaced by this Policy.

Preamble & Rationale

The Bushfire Coordinating Committee (BFCC) acknowledges that from time to time the Commissioner of the NSW Rural Fire Service (the Commissioner) makes available moneys from the Rural Fire Fighting Fund (RFFF) to funding bush fire mitigation and fire trail works.

Section 48 of the *Rural Fires Act 1997* provides that one of the functions of the BFCC is to advise the Commissioner on bush fire prevention, mitigation and co-ordinated bush fire suppression. Under this provision the BFCC has prepared this policy to provide advice to the Commissioner as to principles and matters that should be taken into consideration by him in deciding how he might allocate funds for bush fire mitigation works.

The BFCC recognises that the decision as to how the moneys (if any) are distributed is a matter for the discretion of the Commissioner, but expects that he will give due consideration to the provisions of this policy.

Agencies represented on the BFCC acknowledge that the responsibility for bush fire hazard reduction work rests with land owners/managers, along with the financial obligation to fund the necessary works. The BFCC acknowledges that the Commissioner from time to time agrees to provide some funding to assist land owners/managers to carry out works that provide a fire protection benefit to the community. The BFCC is aware that the Commissioner expects land owners/managers to demonstrate their own commitment to bush fire hazard reduction works before he will consider allocating money from the RFFF for their assistance and the BFCC considers that expectation reasonable.

Legislative Basis

The following Sections of the *Rural Fires Act 1997* provide the legislative basis of this Policy:

Section 63 Duties of public authorities and owners and occupiers of land to prevent bush fires

- (1) *It is the duty of a public authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of a bush fire on or from:*
 - (a) *any land vested in or under its control or management, or*
 - (b) *any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.*
- (2) *It is the duty of the owner or occupier of land to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, that land.*
- (3) *A public authority or owner or occupier is liable for the costs incurred by it in performing the duty imposed by this section.*
- (4) *The Bush Fire Co-ordinating Committee may advise a person on whom a duty is imposed by this section of any steps (whether or not included in a bush fire risk management plan) that are necessary for the proper performance of the duty.*
- (5) *In this section:*

notified steps means:

- (a) *any steps that the Bush Fire Co-ordinating Committee advises a person to take under subsection (4), or*
- (b) *any steps that are included in a bush fire risk management plan applying to the land.*

Section 102 New South Wales Rural Fire Fighting Fund

- (1) *There is to be established in the Special Deposits Account in the Treasury a New South Wales Rural Fire Fighting Fund into which are to be paid all contributions and other money received under this Part.*
- (2) *There is payable from the Fund:*
 - (a) *money to assist in meeting the costs of rural fire brigade expenditure, and*
 - (b) *any money payable in connection with the exercise of the duties imposed on the Commissioner by section 45 and the construction and maintenance of fire trails and other fire prevention and hazard reduction works, and*
 - (c) *all money directed to be paid from the Fund by or under this or any other Act.*

Policy Principles

- ***The overriding principle is that the Bush Fire Risk Management Plans and Annual Programs of Works prepared by a Bush Fire Management Committee (BFMC) should be the primary consideration used to determine work priorities.***

“Risk Management” is a fundamental philosophy applied in the planning and operational activities by fire authorities and underpins the statutory Bush Fire Risk Management Plans (BFRMP). Treatments identified in the plans have been ranked according to that process. The Annual Programs of Work are derived from the treatment works included in the BFRMP and therefore have been subject to a risk ranking assessment. The major government land managers all have the opportunity to be involved in the selection and development of treatments in the BFRMP.

It is recognised that the local community, through the BFMC and its BFRMP, is best placed to determine priorities for mitigation works.

Works funded should be consistent with the BFRMP, although noting that some plans may lack detailed mapping and linked treatment schedules. The plans use a hazard reduction zoning system which should be used as a guide in determining priorities. However, a flexible approach should be used when considering works across BFMC areas.

- ***Consideration of risk priorities should be tenure blind.***

Assessment of bush fire risks to the community and its assets should be undertaken across the landscape, without regard to the ownership of the land, in accordance with the BFCC’s Policy for Bush Fire Risk Management. Particular consideration should be given to facilitating multiple tenure works that would otherwise be unlikely or difficult to complete.

- ***Funds should only be provided to fire trails that are recorded as such on the relevant Fire Trail Register of the BFMC and classified in accordance with the BFCC policy.***

The Fire Trail Register is a record of agreed fire trails and their classification, agreed by the BFMCs. The BFCC considers that bona-fide fire trails should be given priority for funding above other fire access ways, for which other sources of funding are potentially available.

Funds should be used for identified fire trails of strategic importance and not for the purpose of improving private access or use of public lands. Ongoing access for inspection and fire fighting purposes should be assured.

Signs are an important feature on fire trails, and consideration should be given to funding signs in accordance with BFCC Policy for Fire Trails.

- ***Funds should not be provided for works required to comply with a condition of development consent imposed after 1st August 2002 on advice from the RFS.***

The BFCC considers that such conditions were a known cost accepted by the developer prior to the commencement of the development, and therefore should not be subsidised by government.

- ***The agency responsible for managing the land should satisfy itself prior to applying for funding, that any necessary environmental assessment processes and outcomes are unlikely to impede the carrying out of the works.***

It is appropriate for land owners/managers to ensure that, if their funding bid is successful, the execution of the works is not likely to be prevented or unreasonably delayed by the necessary consideration of environmental factors. This ensures that available funding is allocated to projects suitable for immediate execution, and is not tied up in projects that may not proceed.

- ***The Commissioner should seek advice from BFMCs as to local priorities for works.***

BFMCs have detailed knowledge of their local area. It is appropriate for the BFMCs to provide advice to the Commissioner as to the ranking of applications for grant moneys made in their area. This is of particular value where multiple applications for funding are for treatments with an equivalent risk rating in the BFRMP.

- ***The Commissioner should form an advisory panel to provide advice on priorities at a state level. The state panel should include representatives of major agencies with a significant interest in mitigation works.***

The BFCC considers that a State Advisory Panel could provide useful assistance to the Commissioner in considering allocation priorities at a state level.

Requirements for BFMCs

The BFCC requires BFMCs to provide advice to the Commissioner regarding local funding priorities, upon his request. The BFCC expects BFMCs to comply with all reasonable requests from the Commissioner with regard to timing, content and format of advice sought.

**Shane Fitzsimmons AFSM
Chairman
10 March 2011**