

# Mainstreaming fire law and policy

Michael Eburn<sup>1</sup> and Stephen Dovers<sup>2</sup>

<sup>1</sup> Fenner School of Environment and Society and the College of Law, The Australian National University, ACT  
<sup>2</sup> Fenner School of Environment and Society, The Australian National University, ACT

## EMERGENCY MANAGEMENT AS A WHOLE OF GOVERNMENT RESPONSIBILITY

Vulnerability to fires, and the ability to protect life, property and other assets, is largely defined by activities and policy settings outside the emergency services sector. This interplay of policy means that fire and emergency management should be seen as a whole-of-government and cross-sectoral issue. The community expects that different parts of government, along with non-government actors, will operate in a coordinated manner. Recent experience in Australia and elsewhere confirms that such coordination is often lacking.

## THE QUESTIONS

The Bushfire CRC is funding research to map law and policy across the PPRR spectrum to answer the following questions:

How does law and policy impact upon the community's ability to

- Prevent,
- Prepare for
- Respond to; and
- Recover from

a natural hazard such as wildfire?

Would 'mainstreaming' emergency management lead to improved community outcomes before, during and after major fire events?

## THE PROJECT SO FAR

A desk study of legislation, case law and analysis of the transcripts from the 2009 Victorian Bushfires Royal Commission identified examples of where law and policy are **reported** to be in conflict with emergency and fire management principles. Areas for further study have been identified to ensure that law and policy can be used to enhance rather than hinder, emergency management.

## RESULTS

Legal regimes may inhibit people and communities in their preparation for, response to and recovery from natural hazard events. The reality of that position is, however, less than clear.

Often people who reported that they were inhibited in their emergency arrangements were acting under a misunderstanding or misconception of the laws requirements.

Fear of liability may often be a fear of being called to give evidence rather than a fear of the legal consequences, which are often overstated.

But if poor understanding or knowledge of the law, or fear of the law's process restricts a community's ability to develop resilience, then the law remains a significant barrier to effective emergency management and community resilience.

## THE NEXT STEP

The Australian National University, funded by the Bushfire Cooperative Research Centre will undertake a three year research programme to consider how emergency management and fire management in particular, can be 'mainstreamed' into Australian law and policy.

The research will, in consultation with appropriate end users:

1. Identify a desirable future state of law and policy for effective fire and hazard management;
2. Map the legal and policy environment and identify how current law and policy hinders, or helps, the Australian community to live with natural hazards; and
3. Make proposals for law and policy reform.

Engagement with key members of the policy community will ensure practical outcomes and increased likelihood of uptake of options identified.

## SOON...

We will be approaching fire and hazard management agencies, and personnel to seek their understanding of how the law impacts upon their ability to achieve optimum hazard management outcomes. This will be their opportunity to explain and explore how law and policy interact and to explore reforms to make PPRR a whole of government issue.

## CONCLUSIONS

The impact of law upon the PPRR spectrum is unclear, informed often by anecdotal stories rather than legal analysis and with the suggestion that it is in fact the legal processes rather than the law, that is the problem.

If fire and hazard management is to be considered a whole of community issue, and not just a matter for the emergency services, research is required to understand what impact broader law and policy has on emergency preparedness and response and how the chance of achieving policy objectives can be enhanced by law and policy reform.

The Bushfire Cooperative Research Centre and the Australian National University will undertake this research over the next three years to inform policy and law makers and the community, with the express desire of enhancing the resilience of Australian communities and the ability of Australian's to live in their fire prone environment.

Email [michael.eburn@anu.edu.au](mailto:michael.eburn@anu.edu.au) to:

- Join our mailing list to remain informed of research outcomes and proposals;
- Contribute to the debate on the impact of law and policy and areas in need of reform;
- Take part in surveys or join a research forum to ensure your voice is heard.