

Mainstreaming fire and emergency management across legal and policy sectors: joint research and policy learning

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The initial research proposition

“Vulnerability to fires, and the ability to protect life, property and other assets, is largely defined by activities and policy settings in other policy sectors, defining fire and emergency management as a whole of government and cross-sectoral challenge.”

Our focus: three questions

1. Perceived inconsistencies or is there mainstreaming?
2. The litigation experience – is it increasing, is it a problem?
3. What are the measures of success for fire and emergency management policy?

1. Perceived inconsistencies or ‘is there mainstreaming?’

- Eburn and Jackman, ‘Mainstreaming fire and emergency management into law’ (2011) *28(2) Environmental and Planning Law Journal* 59-76.
- Many perceived inconsistencies are simply misunderstandings. We don’t like having to apply for permission or justify an application.
- There is widespread mainstreaming, but the ‘strength’ of mainstreaming is debatable.

The appropriate ‘strength’ is contestable

‘... there is a wide *extent* of fire and emergency mainstreaming ... but the evidence suggests that such mainstreaming is not *strong*.

If, however, fire management was too strongly integrated across the environmental policy sector, considerations such as amenity of the environment and issues of cultural, ecological or environmental significance, as well as respecting personal autonomy and choice could be ignored.’

Mainstreaming & Policy by Commission

- Mainstreaming other concerns into EM is also important.
- Royal Commissioners and coroners *don't* mainstream – they have limited terms of reference.
- “If all you think about is fire, you might think that fire is all there is to think about”?

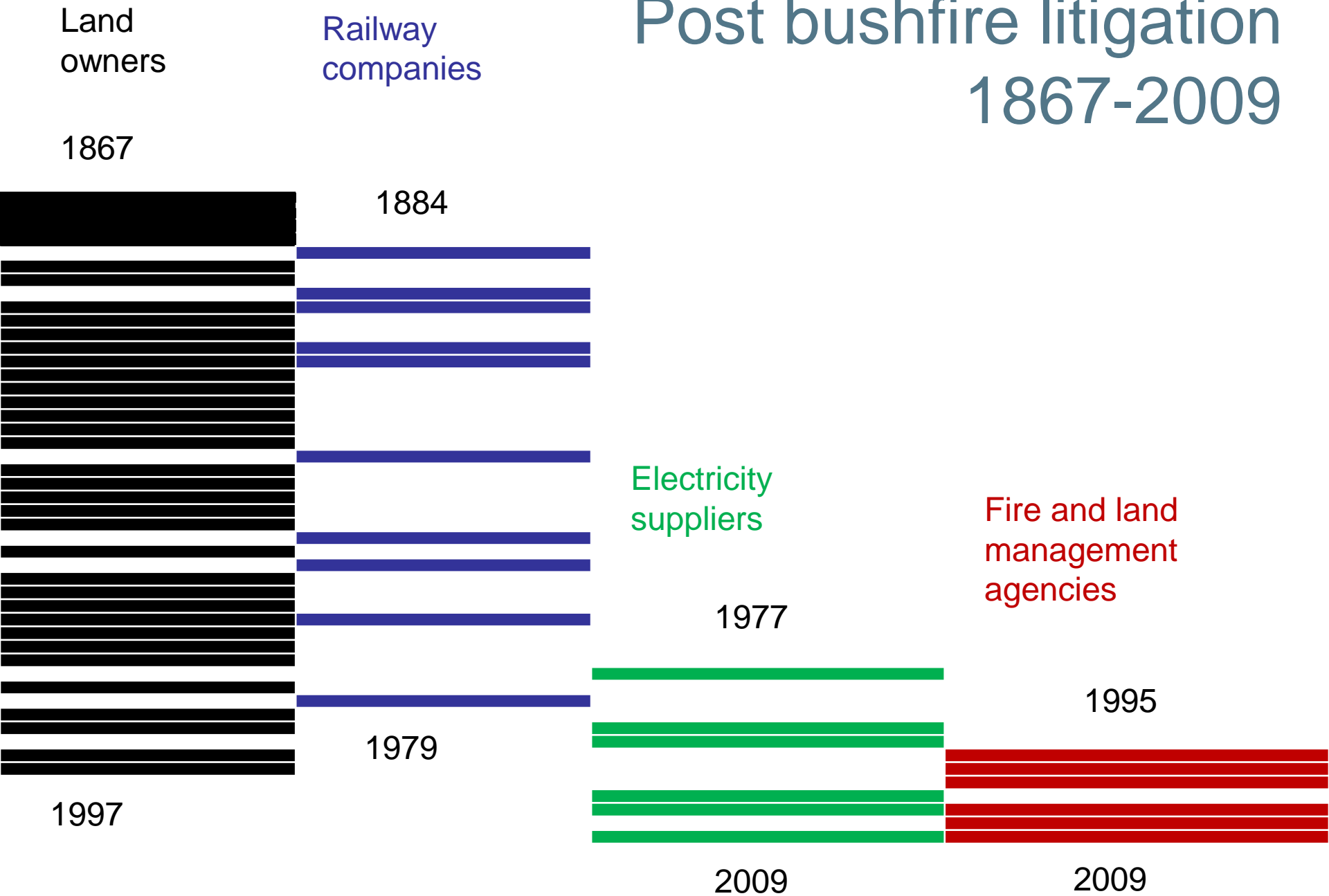
The challenge

“Until there is a clear and specific goal or objective of emergency management policy, **it is impossible to identify how that policy can be mainstreamed** or the success (or otherwise) of the policy measured.”

2. Litigation: a big problem for EM?

- Proposition – we can't undertake hazard mitigation or do anything because 'we'll get sued'.
- Eburn and Dovers, 'Australian wildfire litigation', *International Journal of Wildland Fire* (Online)
<http://www.publish.csiro.au/paper/WF11094.htm>.

Post bushfire litigation 1867-2009



Land
owners

Railway
companies

Electricity
suppliers

Fire and land
management
agencies

1867

1884

1977

1979

1995

1997

2009

2009

3. What are the measures of success for fire and emergency management policy?

- Keelty 2011 – what are the measures of success, is it simply that no-one dies?
- Comrie 2011 – what was the problem his recommendations were meant to solve?

What's the policy objective?

- Saving lives or sharing responsibility?
- Why do I have to exercise *my* responsibility to meet *your* policy goal?
- Can there be shared accountability, or will the emergency managers still be the target at the end of the day?

Barriers

1. The emergency services are very good at what they do. They are victims of their own success.
2. Increased urbanisation – ‘sea change’ and ‘tree change’.
3. Risk aversion.

Risk aversion

‘We don't expect people to do risky things any more. We say to people, if you think that's going - if you're going to get hurt doing that, don't do it ... once they might have had a go at it, not even thinking about whether they might have got hurt ... these days they will ring somebody who is trained and has expertise and that, and so they are out of harm's way.’

Policy options

- Clarify litigation and training
 - Include in inquiries/reports
- Reconsider inquiries re purpose
- Defining policy goals
 - Clarify re shared responsibility
 - If ‘responsibility’ is not taken what are the consequences
 - Fire fighter safety

Translating policy into action

- Legal regimes impose duties and obligations on agencies, but not on individuals.
- What's the price for not preparing, for not 'sharing responsibility'?
- Which government's prepared to deliver the hard message after the event?

Preparing for catastrophic events

- Requires political judgment to balance objectives for
 - *Personal autonomy;*
 - *Environmental protection;*
 - *Managing other risks.*
- What do we want the world to look like?
- How safe do we want to be?
- Who's responsible for those decisions?

We won't identify *the* policy solution

- Shared responsibility = shared accountability.
- Political leadership is required to give the hard message when the compromise is decided.

One option is *don't* share responsibility

- If people wont manage their risk government *could* do it for them.
- Tough regulation and policing – but is the community willing to wear it? Is it politically acceptable? Is it worth the price?

The issue is one of politics

‘If you step back and you say, well, how could we have prevented that fire? Here’s the strategy ... Clear every tree for 100 metres each side of the road winding up ... all that littoral forest and beautiful tall timber ... Get rid of all the timber cottages in the village. They’re 100 years old ... made of timber and highly volatile. Put brick and concrete structures in place. Put perimeter hazard reduction around the village every two years ... I can tell you now if we had put that strategy in place the public would have said f____ off ...’

Questions? Comments?

- Thank you for your attention.

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