

Grain Producers SA Ltd

Level 2, 180 Flinders Street Adelaide SA 5000
PO Box 7069 Hutt Street Adelaide SA 5000
P: 1300 734 884 F: 1300 734 680

ABN: 43 154 897 533

grainproducerssa.com.au

Mr Joshua Forkert
Secretary to the Committee
Select Committee on the Fire and Emergency Services (Miscellaneous) Amendment Bill
Parliament House
North Terrace
Adelaide SA 5000

Sent electronically: scfesbill.assembly@parliament.sa.gov.au

1 February 2019

Dear Mr Forkert

Inquiry into the Fire and Emergency Services (Miscellaneous) Amendment Bill

Grain Producers SA (GPSA) is the peak industry body for South Australian grain growers. GPSA is non-political and represents producers to government, the community and industry, including grain marketers, exporters, storage and handlers, researchers and farm input suppliers.

We develop and implement policies and projects that promote the economic and environmental sustainability of South Australian grain growing businesses.

We welcome the opportunity to provide this written submission to the Select Committee established by the South Australian Parliament, to inquire and report on the Fire and Emergency Services (Miscellaneous) Amendment Bill

As the peak industry body for South Australian grain growers, I confirm that GPSA is willing to provide evidence at the Adelaide hearing of the Select Committee.

If you have any queries, please don't hesitate to contact me on [REDACTED].

Yours sincerely

[REDACTED]

Caroline Rhodes

Chief Executive Officer

Submission by Grain Producers SA ('GPSA') to the Select Committee of the House of Assembly which has been established to inquire into and report on *the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018.*

Summary of recommendations:

Recommendation 1:

Government and CFS to conduct advertising and marketing campaigns similar to 'Know Your Code' to continue to build community awareness of fire risk as well as the GHCP & BABCP in the lead up to the relevant seasons.

Recommendation 2:

Government and CFS to provide funding to support fire prevention initiatives lead by farm groups, such as an SMS alert system, and assist in the development of new communication networks in farming districts during harvest.

Recommendation 3:

Appropriate protocols and operating procedures should be developed which require SAPOL to communicate any direction in relation to the cessation of harvest activities, on the advice of appropriate CFS personnel.

Recommendation 4:

That an additional section, s82(2a)(c) be inserted:

(c) where an officer intends to direct that a person refrain from carrying on a primary production activity, the officer must have regard to:

(1) the usual practice; and

(2) any relevant codes of practice.

Recommendation 5:

CFS personnel who are empowered to direct should contact and interact with farm groups to encourage weather monitoring and self-imposed bans, and engage with those groups when deciding to direct that a primary production activity be stopped.

1.0 Introduction

Peak industry bodies including GPSA have a long history of working collaboratively with the Country Fire Service ('CFS') to help reduce the risk and incidence of fires on broadacre cropping land and minimise risks for the community. GPSA members have a proactive approach to fire management and an extremely high awareness of fire preparedness and dangerous weather conditions, as well as the experience and capacity to assist CFS in extinguishing bushfires.

Prior to GPSA's establishment, the South Australian Farmers' Federation worked with the CFS to develop the Grain Harvesting Code of Practice, which outlines the conditions under which grain harvesting should occur in the paddock, including operating grain harvesters, vehicles involved in grain transport, and grain dryers and augers.

Subsequently, GPSA and the CFS developed the Broad Acre Burning Code of Practice in 2015. In 2016, GPSA and the CFS launched the successful '*Know Your Code*' campaign which encourages growers to abide by the Grain Harvesting Code of Practice. As recently as October 2018 GPSA and CFS presented at Harvester Fire Workshops.

GPSA continues to work constructively with the CFS in the interests of producers and the communities in which they live. GPSA's underlying policy approach in this regard is that industry and the CFS must work together. Many GPSA members are CFS volunteers themselves.

GPSA understands that the proposed amendment to s82(2) has its origins in recommendation 16 of the Holloway Review. In that Review it was stated that the South Australian Police ('SAPOL') do not believe that the advent of the GHCP has resulted in behavioural change amongst producers, despite widespread acceptance of the code. GPSA respectfully disagrees with this observation, and, given the full suite of obligations imposed on producers, believes that any change to s82(2) should be limited in its effect and that the use of such powers ought to be restricted.

2.0 Existing Measures

2.1 Legislative instruments

Primary producers currently have a range of obligations in place which they must fulfil. The *Fire and Emergency Services Act 2005* ('the Act') imposes a duty on landowners to take reasonable steps to prevent or inhibit the outbreak and spread of fire, as well as to protect property and human life from fire.¹ Breaches of this duty carry a maximum penalty of \$5,000.

¹ *Fire and Emergency Services Act 2005* (SA) s105F

2.2 Industry measures

The grain industry has voluntary guidelines for high-risk on-farm activities, namely the [Grain Harvesting Code of Practice](#) ('GHCP') and the [Broad Acre Burning Code of Practice](#) ('BABCP')

The GHCP imposes a range of obligations on primary producers. This code requires compliance with Regulations 37 & 38 of the Act, which concern the use of stationary engines to auger a crop, and the use of internal combustion engines to harvest or move a flammable crop.

This code also requires:

- That grain harvesting operations be suspended when the local actual [Grassland Fire Danger Index](#) ('GFDI') exceeds 35.
- That crop residues on machines be kept to an absolute minimum, especially in areas of potentially high fire risk, such as engines, exhausts or brakes.
- That operators adopt a regular maintenance program, both before and during grain harvest operations, paying particular attention to wearing parts and bearings.
- That operators are aware of the construction materials on harvesting machines and take reasonable steps to reduce any potential build-up of static electricity through harvesting operations.
- That operators have immediate access to a UHF CB radio or mobile phone.

There are also a range of other recommended practices, including seeking information on voluntary harvest bans, establishing fuel breaks, and having fire-fighting material available.

The GFDI (see figure 1) is a mathematical relationship between air temperature, relative humidity and wind speed and impacted by the curing factor, or greenness, of vegetation. GFDI's of 35 or above are values that correspond to the likelihood that fires will get out of control.

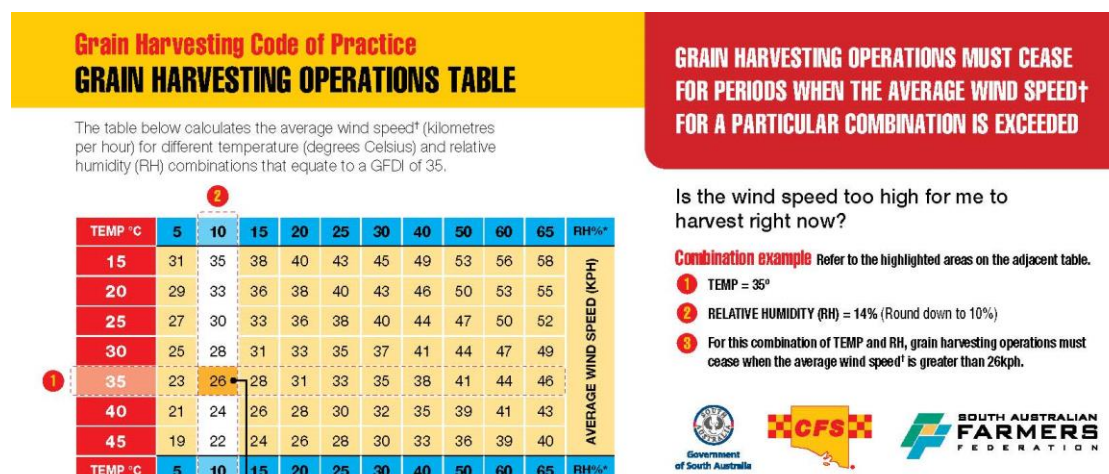


Figure 1: The Grassland Fire Danger Index calculation table.

The BABCP is a voluntary code that outlines a range of practices that should be undertaken prior to broad acre stubble burning taking place. This includes not burning when the GFDI exceeds 20, having appropriate water available, testing burn methods, and notifying neighbours and nearby road users.

These codes are designed to reduce the threat posed by fire, and to prevent its spread.

Both GPSA and the CFS recognise that it is impossible to fully eliminate the risk of fire. The [‘Know Your Code’](#) campaign provides a simple checklist for growers to ensure they are adhering to the on-farm actions of the code. An [easy to read poster](#) sets out 5 simple steps that producers can take to help reduce the risk of harvester fires. These are:

1. Preparation,
2. Maintenance,
3. Monitoring,
4. Safe operations, and
5. Communication.

Recommendation 1: Government and CFS to conduct advertising and marketing campaigns similar to ‘Know Your Code’ to continue to build community awareness of fire risk as well as the GHCP & BABCP in the lead up to the relevant seasons.

2.3 On-farm initiatives

As highlighted above, primary producers take a proactive approach to fire management through a range of on-farm initiatives that exceed the requirements in legislation, regulation, and through the various industry led codes.

While the GHCP recommends ceasing operations when the GFDI exceeds 35, many producers continually monitor conditions to ensure that they proactively manage expected changes. Producers report that they will stop harvesting early where there is a clear upward trajectory in the GFDI or where it is anticipated that the Code will be well exceeded at some point.

GPSA understands that this approach, which is well in addition to the requirements mandated by the GHCP, is commonplace amongst South Australian grain producers.

In many areas across the state, grain producers have taken the initiative to form farm groups which actively monitor weather conditions. These groups consider local variables and use community peer pressure to self-impose harvest bans when conditions become marginal or when there is an upward trend in the GFDI.

The Yorke Valley CFS group (‘YVCFS’), a farmer group supported by CFS, has established a comprehensive mobile messaging system that sends out alerts to over 420 producers, mine

workers, ambulances, and schools. By utilising data made available through Bureau of Meteorology weather stations, privately owned stations, and in-field measurements, YVCFS are able to send alerts (see figure 2) advising producers and the community to review or cease harvesting operations, as well as alerts regarding fires and other weather conditions.

This is yet another example of our industry taking the initiative to self-regulate.

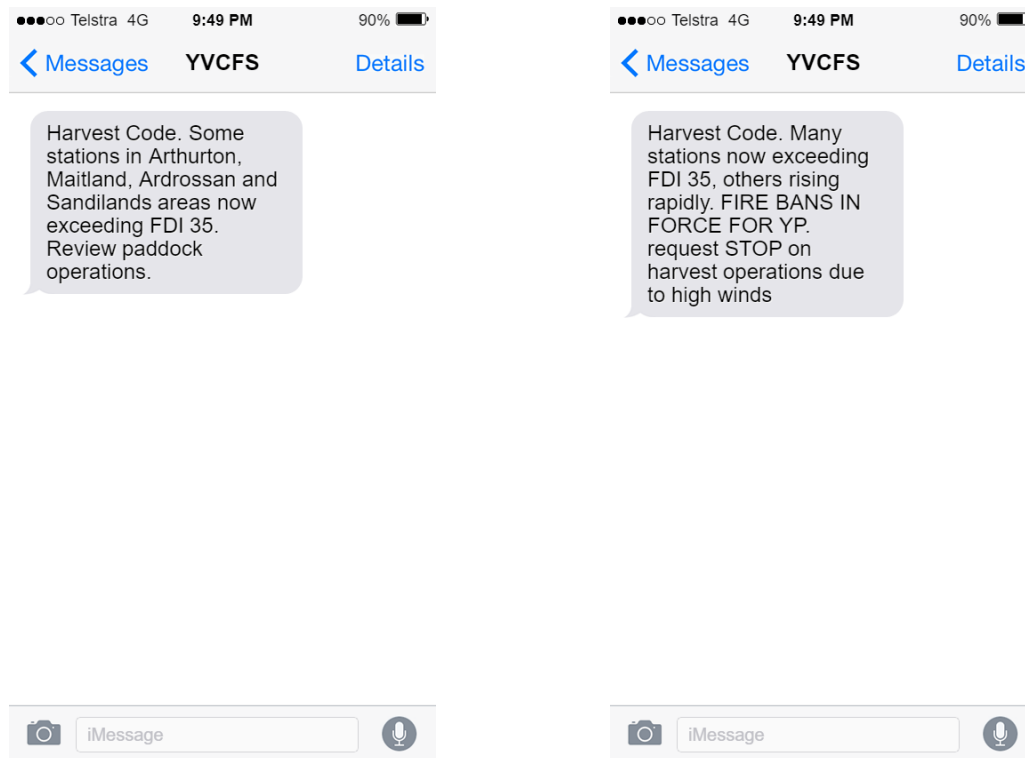


Figure 2: Example messages sent by Yorke Valley CFS group

Recommendation 2: Government and CFS to provide funding to support fire prevention initiatives lead by farm groups, such as an SMS alert system, and assist in the development of new communication networks in farming districts during harvest.

Recommendation 2 will ensure that farming communities can utilise technology such as weather station networks and SMS services to self-monitor fire conditions without the need to involve government or CFS in day-to-day fire risk management.

Proactive fire risk management groups such as YVCFS only come about due to the shared appreciation for the danger that fire poses to our families, industry, and community. The existence of such groups is further evidence of the respect for the various industry codes and for the fact that the vast majority of grain producers take their safety and fire obligations seriously. This has been recognised interstate with Ben White, a harvester fire expert from WA's Kondinin Group, describing the culture of fire safety in SA as "*...a community and peer-pressure environment ...where growers and contractors self-check,*

regularly communicate and discuss when they should stop, many opting to do so before the Grassland Fire Danger Index hits 35.”²

According to Leigh Miller, CFS Director of Preparedness Operations, *“Analysis of CFS incident data from the past eight years has shown that there has been a decrease in the number of harvest-related fires, and consequently a reduction in farming losses and risk to the community.”³* This data proves that industry codes and on-farm initiatives are having a practical effect on the incidence of fire.

It is widely recognised that it is in a farmer’s best interest to manage their risk and to actively prevent the outbreak of fire. The success of self-regulation is critical to our industry. GPSA contends that this enquiry will demonstrate the high level of commitment that our industry has to the principles enshrined in the codes as a mechanism of self-regulation.

3.0 The proposed amendment

The Holloway Review cited concerns that some producers continue “to harvest in unacceptably high-risk weather conditions” and recommended that government be given the power to order the cessation of harvesting or any other activities where they have the potential to cause and spread fire.⁴

GPSA acknowledges that there are limited examples of producers who operate outside of community values. Their decision to operate in this manner draws strong social condemnation from other producers and may void insurance policies. Legal penalties may also apply if a fire were to break out.

The measures discussed in 2.2-2.3 above are designed to reduce the threat posed by fire and to prevent its spread. No measure, no matter how burdensome or restrictive can fully prevent the occurrence of fire.

GPSA is concerned that the proposed amendments to s82 of the Act -power to direct- will:

- Undermine the integrity and effectiveness of industry led fire-mitigation strategies such as the GHCP & BABCP;
- Place an unreasonable and unwanted burden on CFS officers, and any other person exercising the powers in s82(2a), given that they are often members of the community and primary producers themselves;
- Give extraordinary power over the day-to-day operation of a private business to a third party with little in the way of safeguards against misuse; and

² Grain Producers SA. 2018. GPSA reinforces commitment to harvest code. November 29. Accessed January 16, 2019. <http://grainproducerssa.com.au/latest/media-releases/gpsa-reinforces-commitment-to-harvest-code/>.

³ Grain Producers SA. 2016. ‘Know Your Code’ to reduce fire risk this harvest. November 30. Accessed January 18, 2019. <http://grainproducerssa.com.au/latest/media-releases/know-your-code-to-reduce-fire-risk-this-harvest/>.

⁴ Holloway, Paul. 2013. Review of *the Fire and Emergency Services Act 2005*. Government report, Adelaide: Government of South Australia.

- Will result in a flawed decision-making process with no regard for local conditions and farming experience.

3.1 Undermining the integrity and effectiveness of industry led fire mitigation strategies

Government regulation of the day-to-day activities of South Australian producers sends a clear and unwelcome signal that the government has lost faith in the ability for producers to manage their own risk. As highlighted above, most producers consistently follow industry-established codes and combine this with their own experience and fire mitigation strategies.

The development of shared community values, together with the use of industry codes and fire mitigation strategies is unlikely to continue if government, through the CFS, becomes the arbiter of when to conduct certain farm activities.

The proposed amendment appears to incorporate grain harvesting in a ‘catch all’ approach to reduce the fire risk for any number of activities that the CFS deems risky. There is no acknowledgement of the level of mitigation of fire risk, and it does not account for an individual’s ability to manage fire risk.

3.2 Placing a burden on CFS officers

In the process of developing this submission GPSA contacted a number of individuals at the forefront of fire prevention in their communities. Many of these people operate or are part of aforementioned SMS networks, and are also heavily involved in their local CFS unit. The near-universal viewpoint was that while they wanted to reign in producers who operate outside of community values, the majority of volunteer CFS personnel would be unwilling to exercise the authority that the proposed amendment would vest in them due to fear of the social and personal repercussions.

It is extraordinary to ask CFS volunteers to take on what is in effect a policing role in a volunteer capacity. CFS volunteers form part of the community and have extensive social and business connections throughout. Vesting this power jeopardises the nature of the CFS and conflates the role of fire fighting with community policing.

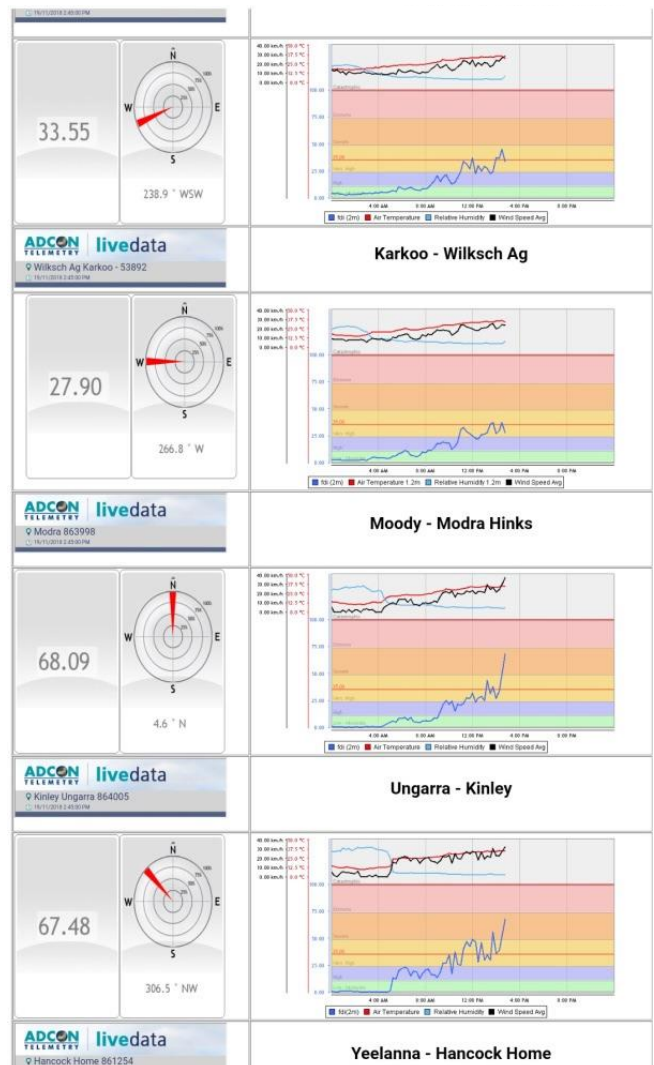


Figure 3: Weather stations situated within 20km of each other recording vastly different GFDI conditions

3.3 Extraordinary powers over private businesses

The proposed amendment effectively grants designated CFS personnel the right to shut down business activities if that person is “satisfied” that the activity may ignite a fire or cause a fire to get out of control. Producers are rightfully concerned that the low threshold for the exercise of such powers would give inordinate control, especially to particularly officious personnel.

GPSA believes that any powers ought to be specifically targeted towards producers who pose a legitimate danger to their communities, and not based on the whim of whether a person is “satisfied”.

Recommendation 3: Appropriate protocols and operating procedures should be developed which require SAPOL to communicate any direction in relation to the cessation of harvest activities, on the advice of appropriate CFS personnel.

3.4 Flawed decision making

In addition to the breadth of the powers proposed, GPSA is concerned that the personnel making a direction may not have the requisite experience or familiarity with agriculture to make a properly informed decision based on the GHCP that does not adversely and unfairly disadvantage producers who are doing the right thing.

GPSA is also concerned that decisions may be based on regional weather conditions, and not the actual on-farm conditions. Conditions can and do:

- Change quickly,
- Vary significantly on-farm to those reported on regional weather stations (See figure 3), and
- Not reach the expected maximums in either wind, temperature, or humidity.

3.5 Legislative changes

GPSA believes that the proposed amendment should be further refined in order to properly target producers who operate outside of community values and to ensure that fire-risk-aware producers are not unfairly captured by these new powers.

Recommendation 4: That an additional section, s82(2a)(c) be inserted:

(c) where an officer intends to direct that a person refrain from carrying on a primary production activity, the officer must have regard to:

- (1) the usual practice; and***
- (2) any relevant codes of practice.***

Recommendation 4 provides:

- A practical and reasonable limit on the exercise of the power to direct.
- Certainty to producers who are doing the right thing and abiding by their obligations under the relevant code of practice.
- CFS the power to constrain producers who pose a fire risk by operating outside of community values.

Recommendation 5: CFS personnel who are empowered to direct should contact and interact with farm groups to encourage weather monitoring and self-imposed bans, and engage with those groups when deciding to direct that a primary production activity be stopped.

Recommendations 4 & 5 will provide certainty to the various industry-led codes of practice that are currently in place and would not undermine the continuing development of best-practice techniques.

In addition, the use of industry codes as a metric together with farm-group cooperation would minimise the burden placed on CFS personnel, and would help to further develop and spread community fire risk awareness.

GPSA also requests that adequate consultation be conducted on the development of the Standard Operating Procedures that will form the practical implementation of *the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018*. In particular and as discussed in Recommendation 3, GPSA is eager to ensure that adequate protocols are developed to ensure that CFS volunteers are not ultimately required to communicate a direction to cease harvesting given the community environment that exists in farming regions.

4.0 Industry developments

GPSA believes that amendments to the GHCP are necessary to ensure that all available information and developments, including the latest weather tracking innovations, are incorporated within the Code. This review of the code is yet another step forward in our efforts to work with CFS by refreshing and updating the GHCP to maintain its integrity.

GPSA is currently organising consultation meetings with the aim to promote a better understanding of the Code within rural and regional South Australia. Further consultation will have a positive effect on the way CFS relates to producers whilst further developing community expectations and norms around the use of the Code.

GPSA is committed to continual improvements to industry codes such as the BABCP and GHCP to ensure ongoing effectiveness and compliance. As new technologies and practices develop, our ability to effectively mitigate and manage fire changes as well. GPSA will continue to work with the CFS as improvements arise.

There is potential for CFS to play a role in these amendments to the GHCP. In particular, many farming communities have indicated their desire for CFS to notify farm groups when an incident has ended, thereby triggering the resumption of harvest operations where appropriate.

5.0 Conclusion

GPSA looks forward to continuing to work with CFS, government, and industry to encourage greater awareness of fire risk through the various codes of practice.

GPSA would be pleased to provide further information on any point raised in this submission and looks forward to speaking at the Adelaide hearing of the Committee.

ENDS.