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# Victorian Government Policy

## Fire Control Line Rehabilitation and Repair of Fences Damaged by Bushfire

08/09 Bushfire Season

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A Victorian  
Government  
initiative



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DSE, Land and Fire Management Division CFA, Operations	<ul style="list-style-type: none"><li>• 4/2/2009 V4</li><li>• Updated: 18/3/2009 to provide clarification</li></ul>

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# Victorian Government Policy

## Fire Control Line Rehabilitation and Repair of Fences Damaged by Bushfire

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### Purpose

The policy has been developed with the intention of clarifying the assistance that will be made available to landholders for the rehabilitation of fire control lines and repair of fences that have been damaged directly by either the fire agencies or a bushfire.

### Scope

This policy relates to bushfire emergency events and fuel reduction/planned burns only.

The policy covers:

- Damage to private land (i.e. crop and/or topsoil) caused by the construction of fire control lines:
- Damage to fences caused by the construction of fire control lines.
- Damage to fences to provide emergency vehicles access.
- Damage to private property, including fences by official fuel reduction / planned burns.
- Replacement of crown land boundary fences following bushfire.

This policy excludes:

- Any other damage caused by fire agencies in the course of fire suppression.
- Damage to internal fences on private land caused by bushfire or by back burning operations during fire suppression, as this is considered to be insurable damage from bushfire.
- Damage caused by individuals or corporations to their own or others property as part of their own fire suppression activities i.e. construction of their own fire control lines.

### Policy – Damage Caused During Fire Suppression by Fire Agencies

The control agency for the fire is the responsible control agency for rehabilitation of fire suppression works following that fire.

The costs associated with the rehabilitation of the fire suppression works related to a fire will be attributed to the overall cost of that fire.

### **Fire Control Lines**

- The control agency responsible for the fire will fully fund the rehabilitation of fire control lines established by DSE, MFB, or CFA as part of Incident Management during bushfire suppression activity regardless of the origin of the bushfire (public / crown or private land).

**Clarification:** Rehabilitation of fire control lines includes the pushing back of top soil and the undertaking of sediment control works associated with the control line only. Government will also provide seed for the re-sowing of pasture where the control line was established in order to prevent soil movement once fire control line rehabilitation works are complete. Rehabilitation does not include replanting of trees or any other agricultural crop other than pasture.

## **Fences**

- Government will repair or pay 100% restoration cost of fences damaged on private land as a result of machinery used in control of bushfires (includes damage to fences for emergency vehicles access).

## **Policy – Damage Caused by Bushfire or Planned Burns**

### **Crown Land Boundary Fences**

- Government will re-imburse reasonable insurance excess to a maximum of four hundred dollars (\$400) on all insured crown land boundary fences destroyed or damaged by bushfires regardless of the tenure of the land where that fire originates.

***Clarification:** Government will pay for the repair or reinstatement of crown land boundary fences burnt during a bushfire emergency as part of a back burn put in by the fire agencies in order to control a bushfire.*

***Note on internal fencing:** Damage to property by fire agencies (DSE, CFA, or MFB) as a result of back-burning, including any fences damaged/destroyed is insurable. The Country Fire Authority Act S93 is clear that any damage to property caused by the Chief Officer (CFA or DSE) or by any officer exercising the powers of the Chief Officer is considered damage by the fire. The Act also makes clear that no insurer can write out of their policy that this damage is non insurable.*

### **Planned / Fuel reduction Burning**

- Government will pay 100% of the costs of asset restoration, whether or not negligence was involved, if fences or other assets are destroyed or damaged by planned / fuel reduction burns from public land escaping onto private land.

***Clarification:** Planned burns are burns undertaken as part of the yearly planned official fuel reduction burning program and do not include fire suppression back-burns undertaken by the fire agencies (DSE, CFA, MFB) during a bushfire emergency in order to try to control a bushfire. This part of the policy only relates to the fuel reduction burning program NOT bushfire emergencies – see above regarding fences burnt during bushfire emergency back burns.*

## **Principles of this Policy**

- This policy is underpinned by the understanding that bushfire risk management is a shared responsibility between governments, community and individual landholders.
- That the fire agencies' priority will always be fire prevention and suppression.
- This policy is implemented as part of the state emergency response and recovery arrangements.
- This policy will be applied in an equitable and fair manner.
- Where an asset is insurable by landholders, that asset should be insured to an adequate level, and government assistance policies will not act as a disincentive for landholders to take up adequate levels of insurance for their assets.
- This policy will be well communicated and understood within Victoria, as well informed individuals, land owners, land managers and businesses are often best placed to assess and manage their own exposure to risk to bushfire.

## **Responsibilities of the Private Landholder**

- Where practicable the landholder should notify their local CFA or DSE office to report damage they believe has been caused by the fire agencies to their fencing or where control lines have been constructed on their land to protect their property.

- It is preferable that this notification to the fire agencies occur within 48hrs so as to ensure that machinery used in suppression and possibly still close by can be used for rehabilitation.
- With regard to fences damaged by either fire agencies or by fire, repair or replacement will occur only if the fence is deemed to have been in working order prior to the damage / fire occurring. If doubt is raised by the fire agency as to the condition of the fence prior to a fire, the onus is on the landholder to prove the fence in question was in working order prior to the fire / damage.