

## **Statewide Implementation of Traditional Burning Practices Bill 2022**

A Bill for an Act to establish statewide traditional burning practices. This Bill legislates for mandatory burning upon public land, where traditional Indigenous knowledge is implemented in the practice, the threat of bushfires is reduced, and biodiversity and the long-term prosperity of ecosystems upon Victorian land are promoted. This Bill also highlights the benefits of germination for promoting ecological diversity and the sustained health of native flora and fauna. In addition, it will increase the recognition and utilisation of Aboriginal practices to benefit the health of the land and alleviate the drastic effects of bushfires upon the economy and increase the safety of citizens. The Bill will utilise the aid of the Country Fire Association and community groups to carry out burning.

This Bill is put in place for the promotion of ecological longevity, biodiversity and long-term prosperity of Victorian land through the use of traditional burning practices. It aims to incorporate Indigenous practices in recognition of Aboriginal knowledge to protect ecosystems. The Bill helps to preserve and extend traditional knowledge to reduce the threat of bushfires, manage soil health in state parks, and combat the economic and ecological losses of bushfires. Additionally, this Bill promotes the germination of native vegetation and the subsequent biodiversity that follows, benefitting the health of Victorian flora and fauna.

**A Bill for an Act relating to Statewide Implementation of Traditional Burning Practices to be enacted by the YMCA Victoria Youth Parliament;**

**PART I—Preliminary**

**Clause 1 Purpose**

The main purposes of this Act are—

- (a) To decrease the risk of fire in Victoria;
- (b) To increase recognition of Aboriginal Peoples and their traditions;
- (c) To increase the health of ecology in Victoria.

**Clause 2 Commencement**

This Bill shall commence upon receiving assent from the Youth Governor of Victoria.

**Clause 3 Definitions**

In this Bill—

- (a) **Public land** means land not owned by a particular person, group, or company, but rather, owned by an Australian government;
- (b) **Traditional burning** means cool burning, where the burning that takes place will involve small blazes that are set alight to clear the underbrush;
- (c) **Aboriginal Elders** means someone who has gained recognition as a custodian of knowledge and lore, and who has permission to disclose knowledge and beliefs;
- (d) **Traditional owner groups** means people recognised by the Attorney-General as traditional owners, based on their traditional and cultural associations with the land.

**PART II—Establishment**

**Clause 4 Implementation of Traditional Burning Practices on Public Land**

- 4.1 Traditional burning practices that take place on public land shall be implemented statewide.
- 4.2 Traditional burning practices shall consist of a controlled cool burning, which;
  - (a) Involve small blazes which are set alight;
  - (b) Burn all loose flammable material to clear the underbrush.
- 4.3 Traditional burning blazes shall be set alight from fires that are made from natural materials without the use of fuels such as petrol.
- 4.4 There shall be a heavy influence from Indigenous Peoples in the practice of burns.

**Clause 5 Establishment of the Traditional Burning Safety Body**

- 5.1 A statewide regulatory body, called the Traditional Burning Safety Body (TBSB) shall be created within the Department of Environment, Land, Water and Planning.
- 5.2 The TBSB shall oversee a variety of functions including, but not exclusive to;

- (a) Management of Traditional Burning Advisory Boards, as outlined in Clause 8;
  - (b) Distribution of training for members of Traditional Burning Advisory Boards, as outlined in Clause 7;
  - (c) Approval of burn requests as proposed by Traditional Burning Advisory Boards;
  - (d) Selecting Local Government Areas (LGAs) which shall practise traditional burning.
- 5.3 The TBSB shall develop general guidelines, which shall;
- (a) Outline best practice for the ongoing use of traditional burns throughout the state;
  - (b) Be informed by a community consultation period with contributions from Aboriginal Elders from all Traditional Owner groups in Victoria;
  - (c) Include guidance on the following matters;
    - (i) Ideal times, weather conditions, and conditions of land, in which to conduct burns;
    - (ii) Risk management and safety regulations that should be adhered to, including action plans for stopping a burn for any reason;
    - (iii) The process of giving of notice to relevant parties, prior to a burn, such as property owners and landowners;
    - (vi) Procedures outlining how a burn should be carried out;
    - (v) The appointment of a chair and board to the body, chosen through the current frameworks surrounding traditional burning in the Department of Environment, Land, Water and Planning.

**Clause 6 Establishment of Fire Management Subdivision**

- 6.1 A subdivision of the TBSB, called the TBSB Fire Management Subdivision, shall be established.
- 6.2 The TBSB Fire Management Subdivision shall oversee the distribution of fire management training to at least 3 representatives of the Traditional Burning Advisory Board as outlined in Clause 8.
- 6.3 The training delivered by the TBSB Fire Management Subdivision shall cover the safety regulations set out in the TBSB guidelines.
- 6.4 Training shall be renewed by Traditional Burning Advisory Board representatives every 5 years.
- 6.5 At the conclusion of their training, council group representatives shall deliver a summary of the training including key points to the remainder of the Traditional Burning Advisory Board.

**Clause 7 Restrictions on Traditional Burning**

- 7.1 Burns shall be permitted to occur only during the seasons of autumn, winter, and spring, wherein;
  - (a) All burns shall be initially scheduled for the season of autumn;
  - (b) If a burn cannot occur during the season of autumn due to logistical obstacles, it shall be rescheduled to either the season of winter or spring.

- 7.2 Burns shall reach a minimum distance of 10m away from buildings and residential property.

**Clause 8 Establishment of Traditional Burning Advisory Boards**

- 8.1 An advisory group, called the Traditional Burning Advisory Board, shall be implemented in each LGA which practises traditional burning.
- 8.2 Allocation of Traditional Burning Advisory Board members shall be overseen by the regulatory body.
- 8.3 Each Traditional Burning Advisory Board shall hold at least 10 members, and at most 50.
- 8.4 A minimum of 10% of Traditional Burning Advisory Board members shall be representative of Traditional Owner groups local to the LGA.
- 8.5 The responsibilities of local advisory groups shall include;
- (a) Providing advice on the appropriate method with which to conduct Traditional burning, in line with local Traditional Owner groups;
  - (b) Overseeing the process through which burns are planned and carried out within their LGA;
  - (c) Determining which groups or individuals are best equipped to conduct burns in their area, including the possibility of collaboration with;
    - (i) State Government bodies such as Parks Victoria, Melbourne Water, or VicForests;
    - (ii) Pre-existing fire management and prevention organisations in Victoria, such as Forest Fire Management Victoria (FFMVic).
- 8.6 In the case that several Traditional Owner groups are represented within one LGA, Traditional Owner group representatives shall reserve the power to give input on burning practices that should be implemented on their own Country.

**Clause 9 TBSB Forum**

- 9.1 There shall be a forum held by the TBSB each year, for the purpose of exchanging experiences and knowledge among those carrying out burns.
- 9.2 The forum shall be held annually for the first five years after this Bill commences.
- 9.3 After the first five years, the forum shall undergo a re-evaluation period wherein participants can give feedback on the effectiveness of the forum.
- 9.4 The frequency and arrangement of the forum shall be subject to change upon the findings of the re-evaluation period with the purpose of maximising efficiency of the forum.
- 9.5 The forum shall facilitate discussions for the purpose of collecting suggestions and feedback regarding the practice of traditional burning.
- 9.6 Knowledge shared during the forum shall contribute to the potential amendment of TBSB guidelines where appropriate.
- 9.7 Attendance at the forum shall be open to all members of Traditional Burning Advisory Boards, the TBSB, and all members of the public.