

Repair of Rural Fencing Damaged by Bushfire and Fire Control Line Rehabilitation Policy for the 2019-20 Bushfire Season



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1.0 Purpose

1.1 Background

In Victoria there are approximately 60 000 kilometres of boundary fencing constructed by private landholders along the boundary of public and private land. Bushfire or bushfire suppression commonly affects fences. Replacement of fencing is important for marking boundaries, securing stock and access arrangements.

This policy is based on shared responsibility and government encourages landholders to assess and manage their risks with regard to fire by taking up adequate insurance where available. Further:

- Landholders are expected to manage risks to their assets from the potential impact of bushfire
- All landholders are expected to have appropriate levels of insurance cover for boundary and internal fences, in the same way any business venture or private householder should protect and insure their assets
- In line with the *Fences Act 1968*, the State Government of Victoria does not have any ownership or financial stake in fences along the boundary of private and public land except in cases where specific fencing agreements have been entered into with a landholder
- It is the responsibility of the owner of private land to fence their property and secure stock within their boundary

1.2 Purpose

This document establishes a clear and consistent approach to:

1. Repair of fences damaged by bushfire that cross National Park, State Park and State Forest boundaries and adjoining private land including agricultural land
2. Repair of fences damaged as a result of bushfire suppression activities
3. Rehabilitation of land used as fire control lines by fire agencies in the suppression of bushfires
4. Repair of fences damaged as a result of planned burning activities

The policy outlines the responsibilities of the Victorian Government and landholders to ensure a smooth and prompt implementation of the policy and to support landholder and community recovery from a bushfire incident.

1.3 Exclusions

The policy excludes:

- Internal fences on private land, and fences between private properties, damaged by bushfire that is not the result of an escaped planned burn
- Repair or replacement of any property, or reimbursement for any damage or loss, that is not specifically provided for in section 2.0
- Replanting of trees, re-establishment of pasture, or agricultural crop
- Fences covered by a specific fencing agreement between the Victorian Government and a private landholder
- Fences that were not functioning for their intended use before they were damaged

2.0 Principles

2.1 Repair of fences damaged by bushfire on the boundary of private land and National Park, State Park and State Forest

The Victorian Government will pay 50% of the reasonable cost of materials to a maximum of \$5,000 per kilometre to restore, repair, replace or upgrade fencing and other fencing assets between private land, including agricultural land and all National Parks, State Parks and State Forests destroyed or damaged by bushfires, whether the bushfire started on private or public land. The upgraded fencing may be of a standard that is fire resistant (fire proof cannot be guaranteed) and designed to keep out some predators or pest animals, such as wild dogs.

Labour and any other costs are to be met by the landholder, and the landholder is responsible for arranging the carrying out of the work. Landholders may also elect at their own expense to upgrade the fence beyond the standard offered as part of the Government's assistance.

This principle:

Only applies to fencing and other fencing assets between private agricultural land and all National Parks, State Parks and State Forests. Landholders are responsible for the repair, replacement or restoration of internal fences, or fences between private properties, that have been impacted by bushfire.

2.2 Repair of fences damaged by fire agency staff or machinery during bushfire emergencies

In the event of bushfires that start on public land, the Victorian Government will arrange for the works to be carried out and pay 100% of the reasonable cost to restore, repair or replace fences and other fencing assets on private land damaged as a result of machinery used by fire agencies to control bushfires, or fire agency staff cutting through fences to allow access for suppression efforts.

This principle:

- Applies to internal fences, fences between private properties and boundary fences between private and public land
- Includes damage to fences by machinery such as bulldozers entering the property and/or constructing fire control lines, and other fire emergency vehicles obtaining access

In the event of bushfires that start on private land that is under the control of the Country Fire Authority (CFA), the CFA will provide some limited assistance for the repair to fences damaged by machinery. The Department of Environment, Land, Water and Planning (DELWP) will assist the CFA with fencing works when requested to do so.

2.3 Rehabilitation of fire control lines constructed by fire agencies during bushfire emergencies

In the event of bushfires that start on public land, the Victorian Government will assist private landholders with the rehabilitation of fire control lines, established by fire agencies, during the suppression of bushfires.

In the event of bushfires that start on private land and are under the control of the CFA, the CFA will provide some limited assistance for the rehabilitation of fire control lines. DELWP will assist the CFA with control line rehabilitation works when requested to do so.

Fire control line rehabilitation involves pushing back top soil and undertaking erosion control measures to protect the land from soil erosion and protect water quality.

2.4 Repair of fences damaged by FFMVic planned burns that escape from public land

The Victorian Government will arrange for the works to be undertaken and pay 100% of the reasonable costs to restore, repair or replace fences and other fencing assets directly destroyed or damaged by Forest, Fire Management Victoria (FFMVic) planned burns originating on public land escaping onto private land.

This principle:

Applies to internal fences, fences between private properties and boundary fences between private land and all public land.

Note - FFMVic planned burns are undertaken as part of the yearly planned burning program and do not include fire suppression backburns undertaken by the fire agencies during a bushfire emergency in order to control a bushfire.

3.0 Claims

3.1 Making a claim for assistance under this policy

All damaged or burnt fences must be assessed by the lead agency (DELWP or CFA) before any offer of financial assistance can be made and before the fence can be restored, repaired or replaced. Fences, once restored, repaired, replaced will remain an asset of the landholder for which the lead agency or State Government will have no financial stake, or any on-going maintenance responsibility or liability

Landholders are responsible for determining whether to claim eligible fence restoration or other costs under this policy or, alternatively, under their own insurance arrangements.

Claims must be lodged by the landholder. The landholder's insurer cannot claim against the Victorian Government for any assistance offered by this policy.

The Victorian Government may decline to make any payment or undertake fence restoration work under this policy where a landholder is claiming or has claimed such costs under their own insurance arrangements or other Government schemes or programs for the relevant damage or loss.

Written claims for assistance MUST be lodged with DELWP or CFA within 12 months of the bushfire or escaped planned burn incident.

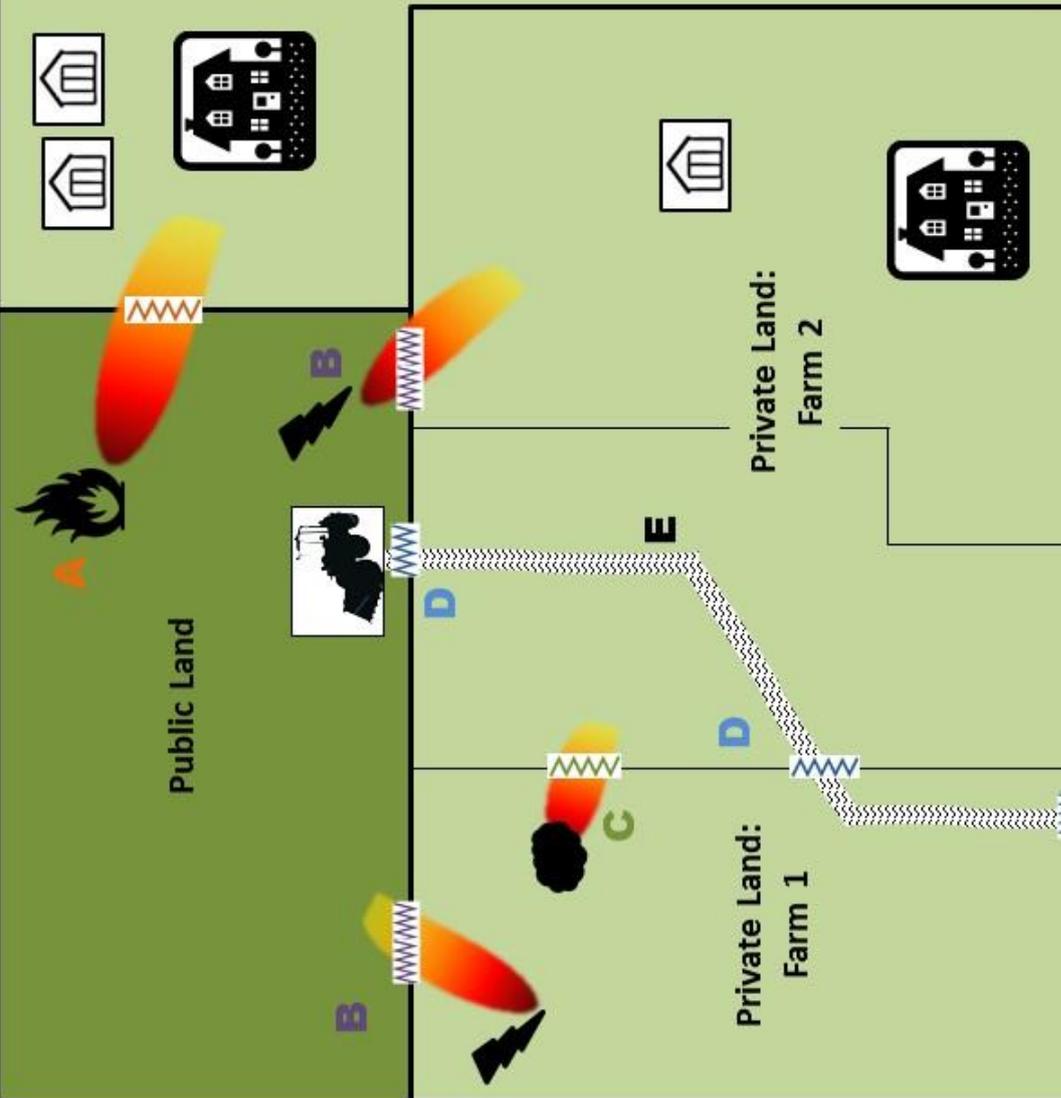
- If the fire started on **public land** you will be put in contact with the local DELWP office who will help you OR visit: <https://www.ffm.vic.gov.au/recovery-after-an-emergency/public-land-recovery>.
- If the fire started on **private land**, you will be put in contact with your local CFA District Operations Manager who will help you

To access this program or find out more call DELWP's Customer Contact Centre on **136 186** Monday to Friday, 8am to 6pm – they will help you connect with the DELWP fencing coordinator in your region.

4.0 Examples of different scenarios where this policy may be applied

POLICY FOR REPAIR OF FENCES DAMAGED BY BUSHFIRE AND FIRE CONTROL LINE REHABILITATION GUIDE

Symbol	Scenario	Payment
A 	Caused by DELWP Planned Burn	Government pays for restoration of fences Other assets are responsibility of owner (private insurance)
B 	Bushfire on public or private land and impacts boundary fences	Government meets 50% cost of materials
C 	Caused on private land	Land holder's insurance
D 	Fence damage caused by machinery	Government pays 100% of restoration costs
E 	Land damage caused by machinery	Government assists with rehabilitation e.g. topsoil pushback and erosion control



The diagram illustrates various fence damage scenarios across different land types. On the left is Public Land, and on the right are Private Land Farm 1 and Private Land Farm 2. A road is shown on the far right. Scenario A (fire) is shown on Public Land. Scenario B (lightning) is shown on the boundary between Public Land and Private Land. Scenario C (bushfire) is shown on Farm 1. Scenario D (machinery) is shown on the boundary between Farm 1 and Farm 2. Scenario E (land damage) is shown on Farm 2.

5.0 Glossary

Term or phrase used in this policy	Definition
Agricultural land	Land used primarily for agricultural or pastoral purposes, regardless of whether the land is also used for commercial or residential purposes; (<i>Fences Act 1968</i>).
Backburn	An indirect attack tactic where a controllable fire is ignited along the inner edge of a fire control line to consume the fuel in the path of a bushfire, producing a burnt area to expand the depth of the fire control line.
Boundary fencing	Fencing constructed along the boundary of private land and national parks, State forests and State parks. It does not include boundary fences between two private landholders or other crown land such as road reserve boundary fences.
Bushfire	An un-planned vegetation fire in forest, grass or scrub country.
Internal fencing	Fencing constructed on private land that does not have a boundary with national parks, State forests or State parks. This includes fences between private properties.
Other fencing assets	Other fence parts such as end assemblies, gates and grids.
Planned burning	The deliberate application of fire under specified environmental conditions to a predetermined area and at the time, intensity and rate of spread required to achieve planned resource management objectives. A planned burn does not include a backburn undertaken as part of fire suppression operations.
Public land	National parks, State forest and protected public land within the meaning of the <i>Forests Act 1958</i> .
Reasonable restoration costs	Like for like restoration of fences and other fencing assets
Specific fencing agreements	Where DELWP or Parks Victoria have an operational requirement for the public land/private land boundary fence (e.g. for environmental protection works), the agencies may at times enter into individual agreements with landholders regarding the sharing of costs of installation and/or ongoing maintenance of a boundary fence. The most common agreement is where DELWP pays for the installation, on the condition the landholder maintains the fence and takes up adequate levels of insurance on an ongoing basis for that fence.