

The Victorian Naturalist

Volume 143(4)

August 2026



Published by The Field Naturalists Club of Victoria since 1884

The Victorian Naturalist

Volume 143(4) 2026



August

Editors: Maria Gibson, Michael McBain, Isabella Farrelly
Assistant Editor: Virgil Hubregtse

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ISSN 0042-5184

Front cover: Junction of the Snowy and Buchan Rivers. Photo Ian Penna.

Back cover: White-bellied Sea Eagle *Haliaeetus leucogaster*, Moama Five Mile Forest, March 2025. Photo Michael Murphy.

Rebutting a recent Victorian bushfire myth

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Abstract

Recent publications assert that implementation of the 1970 Victorian Land Conservation Act precipitated catastrophic bushfires in East Gippsland from the early 1970s. This argument, presented as evidence-based, rests on three key propositions: (1) the Act prohibited forest burning by settler land holders, (2) catastrophic bushfires occurred in the Buchan–Snowy River region following the Act's passage, and (3) forest burning by settlers/graziers mimicked Aboriginal practices until soon after 1970, when stopped by the introduction of the Act. This paper examines each proposition and finds that none withstands scrutiny. The resulting conclusion is that the 'curse of conservation' narrative is not supported by empirical evidence. *The Victorian Naturalist* 143(4), 2026, 112–121.

Keywords: Conservation, curse, LCC, bushfire, palaeoecology

Introduction

In November 2022, two on-line magazines—*The Conversation* and the University of Melbourne's *Pursuit*—published similar articles blaming Victoria's now defunct 1970 *Land Conservation Act* for catastrophic bushfires in eastern Victoria beginning in the early 1970s (Fletcher, et al. 2022a; Fletcher, et al. 2022b).

The *Land Conservation Act* (Land Conservation Act (Vic) 1970) was designed by Victoria's then Liberal government and passed by state parliament in late 1970 to establish the Land Conservation Council (LCC). The LCC, comprising public servants and private citizens, made recommendations to successive state governments on the tenure and use of Victoria's public land. It operated until 1997, when it was replaced with the Environment Conservation Council, which in turn was replaced with the Victorian Environmental Assessment Council in 2001 (Clode 2006).

The articles in *The Conversation* and *Pursuit* were written by palaeoecology researchers, including academics from The University of Melbourne, and based on their article in the on-line journal *Fire*, titled 'The Curse of Conservation: Empirical Evidence Demonstrating That Changes in Land-Use Legislation Drove Catastrophic Bushfires in Southeast Australia' (Laming et al. 2022).

The researchers (Laming et al. 2022: 14) claimed that their data "implicate land-use legislation changes as the root cause for catastrophic bushfires in the Buchan region, and likely across southeast Australia". They based

this conclusion on statements by local residents (ENRC 2007; Rothe 2007) combined with their own interpretation of patterns of charcoal (char) and pollen in one sediment core taken from a small pool in the Snowy River gorge just above its junction with the Buchan River in eastern Victoria (Fig. 1). In particular, they found that deposits of charcoal from unidentified fires increased and fluctuated from the late 1960s. They linked this to the passing of the *Land Conservation Act* in late 1970 (Laming et al. 2022).

The key components of the argument proposed by Laming et al. (2022) are as follows:

- Colonial settlers killed and/or removed the local Gunaikurnai people through the 1800s, but mimicked their burning practices to keep native forests open with high levels of grass cover for their cattle.
- Graziers continued this burning practice around the Snowy and Buchan river junction through the 1900s, so with low levels of woody ground material, char deposits in the researchers' sediment core were relatively low until around 1970, when the *Land Conservation Act* was passed.
- Char levels then increased and fluctuated, while from the early 1980s, the proportion of pollen from eucalypts and shrubs in their core increased substantially.
- The Land Conservation Act 'prohibited burning by settler land holders in an effort to protect natural landscapes', and this 'allowed a rapid increase in flammable eucalypts', as

represented by a larger proportion of eucalypt pollen in their core.

- The higher and fluctuating char deposits represent the ‘catastrophic bushfires (that) first impacted the local area immediately following the prohibition of settler burning in 1970’.

Thus, three key claims formed the foundation of the researchers’ argument:

- Settler/grazier burning in the Snowy–Buchan river junction region mimicked Aboriginal practices until approximately 1970, when the *Land Conservation Act* was introduced;
- The Act prohibited burning by graziers on public land;
- Catastrophic bushfires began in the region around the junction of the Buchan and Snowy Rivers soon after the Act’s passage.

However, there are substantial flaws in all three foundational claims on which the authors based their accusation against the *Land Conservation Act*. This is because: the Act had no power to prohibit forest burning; there were no ‘catastrophic bushfires’ in the local area from the early 1970s; and, claims about grazier burning practices are not proven. The accusation as presented by *The Conversation* and *Pursuit* (Fletcher, et al. 2022a; Fletcher, et al. 2022b) that the *Land Conservation Act* and Council placed a ‘fiery curse’ on ‘paradise on Earth’ to create a forest ‘tinderbox’ is empty rhetoric (my italics).

What follows is a description of the main failures in each of the three key claims that the authors used to construct their case against the Act.

The Land Conservation Act

A reading of the Act shows it does not prohibit burning on public land; it simply established the Land Conservation Council. It does not contain the words ‘fire’, ‘burning’, ‘prohibit’, ‘prevent’ or ‘land holders’ (*Land Conservation Act* (Vic) 1970).

Given that the authors cited the *Land Conservation Act* in their *Fire* article (Laming et al. 2022) to justify their claims, a reader would reasonably expect that they had read the Act. However, upon questioning, the most senior academic author of the article replied (Fletcher, pers. comm. 1 November 2022):

‘The quotes from the local land holders are sufficient for me—they state very clearly that the LCC prohibited burning.’

Moreover, ‘The Curse of Conservation’ (Laming et al. 2022) contains no evidence that the authors took action to confirm the locals’ statements.

In addition, Laming et al. (2022) do not discuss how the Land Conservation Council operated—its impact on public land tenure was generated through the production of recommendations, which had to be accepted by government (*Land Conservation Act* (Vic) 1970). The authors did not examine the timing of either the LCC’s recommendations for the local area or the state government’s implementation of those recommendations. The LCC Final Recommendations for public land to the west of the river junction were published in 1983 (LCC 1983). For the public land east of the river junction, the LCC Final Recommendations were published in 1977 (LCC 1977). These Recommendations were implemented over the next few years. Hence, they could not have influenced events around 1970.

Late in 2024, more than a year after two short critiques of ‘The Curse of Conservation’ (Laming et al. 2022) were published by *Fire* (Feller 2023; Penna 2023), the authors admitted in a response published in *Fire* that the *Land Conservation Act* did not prohibit burning on public lands (Fletcher et al. 2024). They apologised, but did not explain how they came to make such a serious misrepresentation. *The Conversation* and *Pursuit* made some changes, discoverable using the internet archive ‘Wayback Machine’ (Fletcher, et al. 2022a; Fletcher, et al. 2022b).

Despite the authors’ correction, all three articles remain problematic, while the researchers’ 2024 response (Fletcher et al. 2024) does not reasonably address the other two flaws relating to bushfires and burning by cattle graziers.

Catastrophic bushfires

The 2022 articles (Laming et al. 2022; Fletcher et al. 2022a; Fletcher et al. 2022b) still communicate the very serious flaw that ‘catastrophic bushfires’ began in the area soon after 1970. In fact, Victorian government fire records show that no such fires covered, or were close to, the Snowy–Buchan river junction between 1970 and 2014 (Figs. 2a and 2b).

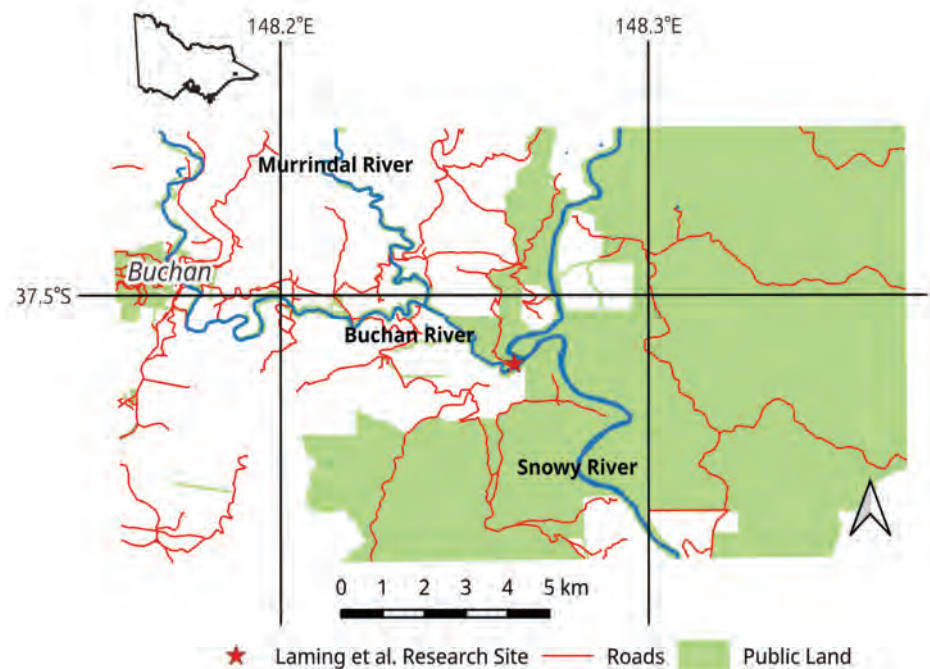


Fig. 1. The junction of the Snowy River and Buchan River, eastern Victoria: The red star shows 'The Curse' research site in the Snowy River gorge. Cartographic data from VicMap (2026).

Checking fire history records is an important technique for validating the timing of fires inferred from palaeoecology research (Whitlock and Larsen 2001), and would have been easy to do as such records were publicly available (CBC 2022; DEECA 2026). The researchers' sediment core analysis showed that char deposits increased from the late 1960s and during the 1970s; deposition then fluctuated substantially until 2020 (Laming et al. 2022). The researchers did not give explanations as to how the variations in char levels could be robustly explained by the implementation of the *Land Conservation Act* or the LCC's recommendations, or why the char deposits should even represent catastrophic fires in the surrounding forests (Laming et al. 2022).

Government records show that the only fire relatively close to Laming et al.'s research site during the 1970s was a 'planned burn' for fuel/hazard reduction about 2 km to the north in 1975. Also, there was one small bushfire close

to the river junction in 1989, while there were bushfires near the Buchan–Orbost road prior to 1970 (Figs. 2a and 2b)(DELWP 2022).

Between 1970 and 2020, numerous 'hazard reduction burns' were conducted by land managers in the wider vicinity of the river junction to reduce the amount of ground cover with the aim of assisting bushfire control (Fig. 2a and Table 1). Potentially, these burns could have created airborne charcoal particles (Whitlock and Larsen 2001) that fell in the broader river junction area. They could have been sources of char in the researchers' sediment core, but Laming et al. (2022) did not investigate this.

In addition, the Snowy River is subject to severe floods (Anon. 1978, 2021), but Laming et al. took sediment from a pool in a storm channel that was surveyed as such in 1870 (Bruce 1870). Floods impacted this pool in at least 1971, 2012 and 2022, dramatically scouring the site in 1971 (Figs. 3 and 4) and depositing woody debris around the pool and storm/flood

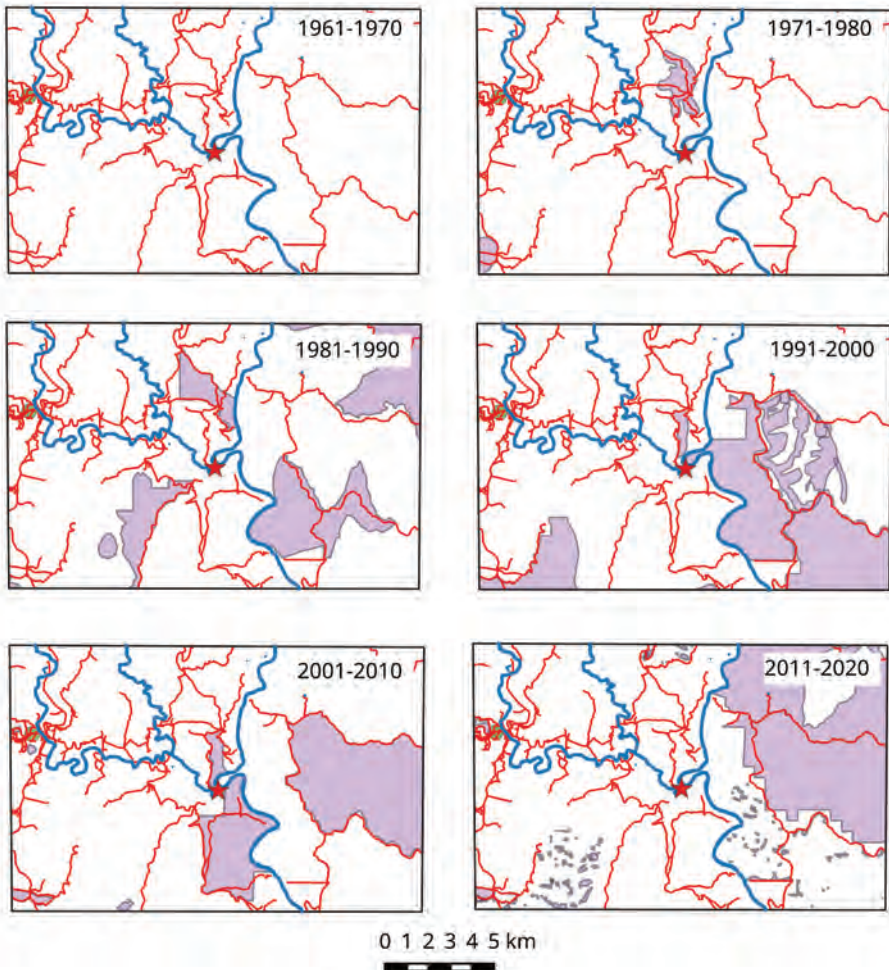


Fig. 2a. Total area of 'Planned burns' ('Fuel reduction burns' and 'Ecological burns') in 10 year periods from 1960 to 2020. Each map covers the same area as shown in Figure 1. Fire history data sourced from DECCA (2026).

channel in 2012 and in 2022—burnt wood was amongst the debris in 2023 (Figs. 5 and 6). Clearly, the river could be a source of charcoal, but Laming et al. (2022) did not investigate this or the potential influence of floods on the pool morphometry and its relationship with the location or size of sediment, char or pollen deposits. Also, the researchers did not investigate how plant regrowth on slopes scoured by the 1971 flood influenced pollen deposits.

Forest grazing and burning

Laming et al. (2022) did not, and possibly cannot, explain the detailed history of cattle grazing around the river junction or its links to local uses of fire. They relied on the stories of several local community members as justification for assuming graziers mimicked Aboriginal burning in the general area (ENRC 2007; Laming et al. 2022). In particular, they relied on the memory of one Gippsland resident for

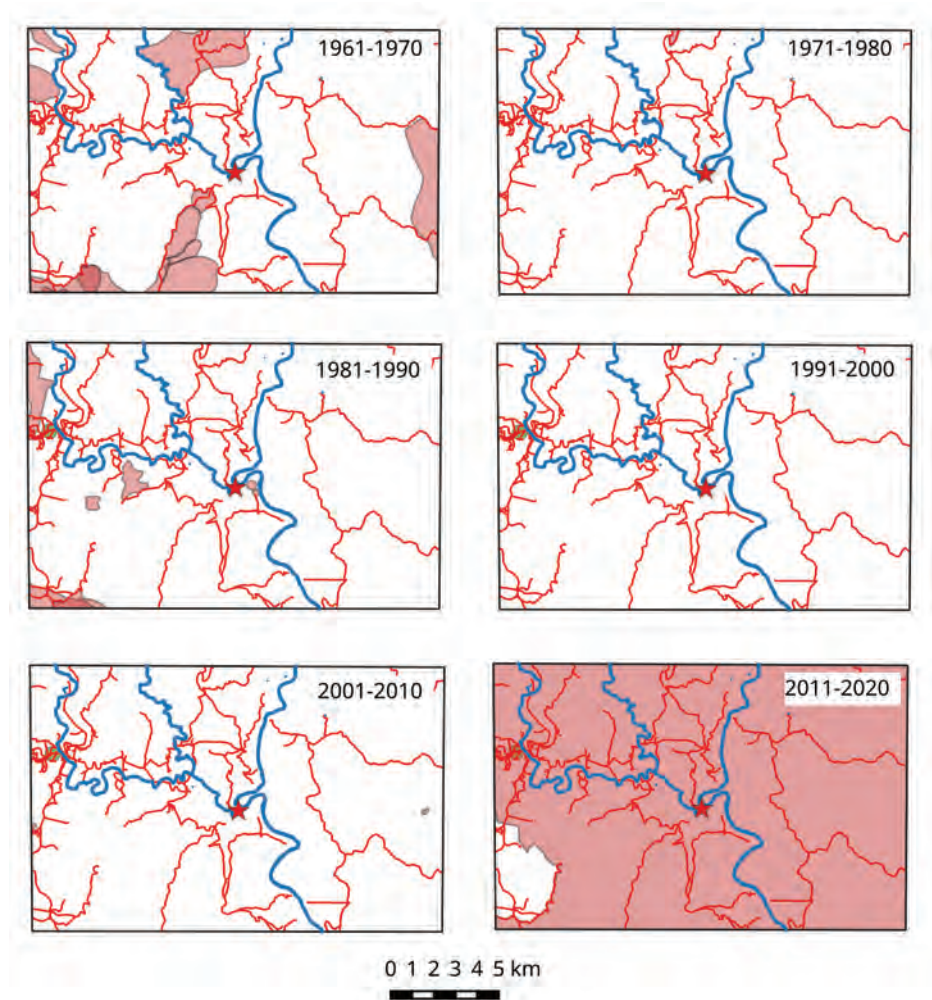


Fig. 2b. Total area of ‘Bushfires’ (not ‘Planned burn’ activity) in 10 year periods from 1960 to 2020. Each map covers the same area as shown in Figure 1. Fire history data sourced from DEECA (2026).

the time he thought the LCC “stopped cattle grazing [in public forests] and took the runs off us”—about 1970 “when the Land Conservation Council first started” (ENRC 2007; Laming et al. 2022; Rothe 2007). However, the LCC recommendations contradict this.

The LCC’s 1983 Final Recommendations covering public land immediately to the west of the Snowy–Buchan river junction allowed grazing in a new Snowy River National Park until 1988 (LCC 1983). In 1977, the Council

recommended that public forest immediately to the east of the river junction stay ‘uncommitted’, allowing grazing to continue, while recommending areas to the north-east become part of the Snowy River National Park (LCC 1977) created in 1979 (Wikipedia 2025). The 1986 recommendations of the East Gippsland review put this uncommitted land into the Snowy River National Park, halting remnant grazing in those public forests (LCC 1986).



Fig. 3. Aerial view of Snowy River-Buchan River junction in early 1969. 'The Curse' research pool at that time is circled in red. (CAD7011 frame 135, taken 16 January 1969).

Laming et al. (2022) fail to explain how local graziers actually applied their theorised 'settler mimicry' burning around their research site, even if some Gippsland grazing families, knowingly or unknowingly, mimicked Gunaikurnai burning practices (Spark 2023). Also, they do not refer to any published descriptions of settler/grazier burning practices in East Gippsland forests that might challenge their theory of burning impacts. For example, the forester Jim McKinty (1969: 131) explained that

large areas of forest [through East Gippsland] received severe fire damage from the recurrent fires that escaped from the settlers' clearing operations or were lit to encourage growth of cattle feed on the floor of the forest.

Forester Murray Thompson (1952) related the pattern that developed in the Cann Valley area, where regular burning was required to remove vegetation growth stimulated by previous burning.

With few, or no checks on behaviour, abuse of privilege, particularly in the mismanagement of grazing leases became, and still is the rule rather than the exception. this abuse over many years has created terrible fire hazards now far beyond their creators' control..." (Thompson 1952: 69).

Wakefield (1970: 153) investigated graziers' burning activities in forests to the north of Buchan. One grazier reported:

Table 1. Total area of bushfires and planned burns [hectares] within study area. Source: DEECA (2026).

Time Period	Planned Burns	Bushfires	Total
1961-1970	0	2973	2973
1971-1980	430	21	451
1981-1990	3085	717	3803
1991-2000	4846		4846
2001-2010	6807	10	6817
2011-2020	5043	29250	34292
Total	20211	32972	53182

It would seem that the long-followed practice of regularly burning the bush in the hot part of the year has resulted in a great increase of scrub in all timbered areas except the box country.

Another forester who spent years in East Gippsland, Moray Douglas (2007: 103; 148; 166; 149), described severe forest impacts by grazing/burning in eastern Victoria from the mid-1800s. In the early 1900s,

(f)ires lit by graziers to get a green pick were the most common cause of wildfires in forest areas; many were lit in mid-summer and burned under severe conditions causing much damage to timber values. ...

During the 1950s and 60s, fires suspected to have been lit by graziers burned substantial areas and caused considerable damage in Bruthen, Nowa Nowa, Orbost and Cann River Districts...

However, from the 1950s, rough bush grazing in the densely-forested areas declined across the region due to the rise in cattle values, improve-

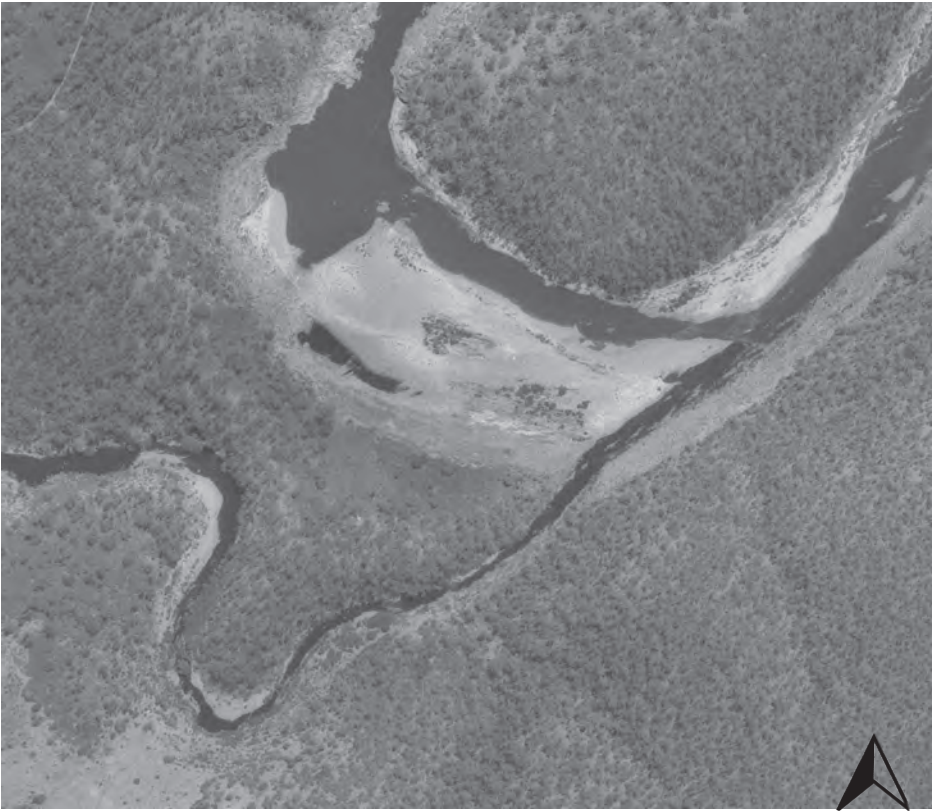


Fig. 4. : Aerial view of Snowy River-Buchan River junction in February 1973 showing scouring impacts of the 1971 flood, especially on ‘The Curse’ research pool (Landata: Mapsheet Photography Lakes Entrance Foreshores Project).



Fig. 5. Aerial view of ‘The Curse’ research pool in early 2017. Log piles left by the flooding Snowy River are enclosed in red. (Buchan run, 2017, Jan 15-Mar 28 MGA55 GDA94).

ments undertaken on farms and the reduction in the area regularly burned. In far East Gippsland in 1977, 35 graziers held forest grazing licences and 15% to 20% of their beef cattle were grazed there at some time of the year. The LCC recommended that this could continue but, subsequently, many previously licensed areas on both Crown lands and Reserved Forest were abandoned. The few graziers who persisted were believed to be responsible for a significant number of severe fires.

By the early 1980s,

there had been a marked decline in the incidence of wildfire. The all-pervasive culture of fire use by both the farming community and the general public, so prevalent for most of this century, had gone. Forest grazing had greatly declined with a consequential reduction in grazer-lit fires...

Conclusions

This examination has shown that the three foundational claims used to support the primary argument of Laming et al (2022) do not stand up to detailed scrutiny. The 1970 *Land Conservation Act* did not prohibit burning of public forests; there were no substantial or

catastrophic bushfires around the junction of the Snowy and Buchan rivers from the early 1970s; and, the authors did not show that forest graziers applied conservative, sensitive burning regimes around the junction of the Snowy and Buchan rivers. The researchers did not provide empirical evidence that the *Land Conservation Act* drove any catastrophic bushfire in south-eastern Australia.

More than three years have passed since the three articles (Laming et al. 2022; Fletcher et al. 2022a; Fletcher et al. 2022b) were first published. ‘The Curse of Conservation’ (Laming et al. 2022) rates in the top 5% of all research outputs as measured by the Altmetric Attention Score (2026; MDPI 2026), and continues to be accessed and cited in academic articles despite the lack of a reasonable evidentiary basis for its major claims.



Fig. 6. Flood debris adjacent to the upstream section of the pool in the storm/flood channel between the Snowy River and Buchan River below Balley Hooley campground, January 2023.

Acknowledgements

The support of David Dumaesq and Lisa Roberts was valuable in gathering information for, and preparing, this article. I thank Michael McBain for extracting the data and preparing the maps using DEECA Fire History Records. Several anonymous reviewers made useful comments that helped to refine this paper.

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Received 9 January 2026 accepted 30 April 2026