2009 Victorian Bushfires
Royal Commission

INTERIM
REPORT
The painting on the front cover, Mountain Ash, is by Kinglake artist Linda Haggar.

When the inferno swept through Kinglake on Black Saturday, Linda was at home with her husband Wayne. Her eldest daughter Kristin and husband, Heath, and their two children, 14-year old Shelby and 12-year old Oscar, were also with Linda. While the adults successfully fought the blaze, Linda's grandchildren comforted the family's two pet dogs and a cat. All survived.

Linda was inspired to paint Mountain Ash when she flew over her property in a helicopter and viewed the devastated landscape below.

The Commission thanks Linda Haggar for making Mountain Ash available for reproduction throughout this report.

Published August 2009
2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

INTERIM REPORT

THE HON BERNARD TEAGUE AO - CHAIRPERSON
RONALD MCLEOD AM - COMMISSIONER
SUSAN PASCOE AM - COMMISSIONER

ORDERED TO BE PRINTED

August 2009

By Authority
Government Printer for the State of Victoria
No. 225 – Session 2006–09
The Honourable Chief Justice Marilyn Warren AC  
Lieutenant Governor of Victoria  
Government House  
Melbourne 3004

Dear Lieutenant Governor

In accordance with the Letters Patent dated 16 February 2009, we have the honour of presenting to you our interim report. The Commission’s Terms of Reference require that we furnish by 17 August 2009 an interim report focusing on immediate actions that can be taken prior to the 2009-2010 fire season. This report presents our interim findings and recommendations.

Dated this 17th day of August 2009.

The Honourable Bernard Teague AO  
Chairperson

Ronald McLeod AM  
Commissioner

Susan Pascoe AM  
Commissioner
Fire is a recurrent visitor in Australia’s environmental history. The flora and topography in Victoria render it one of the most bushfire-prone parts of the planet. Even with this history, 7 February 2009 was a day of unprecedented tragedy in the State. One hundred and seventy-three people died in one of the worst bushfires in Australian history. About 430,000 hectares of land were burnt, along with 2000 properties and 61 businesses. Entire towns were destroyed and around 78 communities were affected. The impact of these fires is seared into the consciousness of those who lived through them.

Under such adversity many people responded with courage and compassion. The volunteers who fought the fires and the individuals that supported their neighbours should be commended for their actions. Since the fires, many others have helped support fire-affected individuals and communities in the recovery process.

On 16 February 2009 the Victorian Government established the 2009 Victorian Bushfires Royal Commission, with broad terms of reference, to investigate the causes of, preparation for, responses to, and the impact on infrastructure of the fires that occurred in late January and early February 2009. In approaching this investigation the Commission has been acutely aware that the events of 7 February highlight the deadly consequences of extreme bushfires. The need to give primacy to saving lives is, therefore, at the forefront of the Commission’s intentions and has underpinned its inquiries and recommendations.

In making its recommendations, the Commission recognises that the responsibility for protecting life, property, and community and environmental assets rests with the collective efforts of the whole community. Governments have obligations to ensure that people have the information, support and infrastructure to enable them to live their lives in relative safety and wellbeing. They also have important operational responsibilities in emergencies. Individuals who choose to reside in bushfire prone areas need to ensure they are well informed about the nature of their environment. When bushfire threatens, they must take responsibility for their own safety and for those in their care. They need to be well prepared in advance and have a realistic appreciation of the risks involved.

The Commission appreciates the importance of linking its processes with affected communities. Not only are the views of affected individuals important to understanding the progress and impact of fire, but providing people with a forum to tell their stories to an independent Commission is an important part of the healing process. Around 2500 people have attended community consultations, made written submissions and/or appeared as lay witnesses before the Commission.

This report is an interim report. It is the result of the first part of the Commission’s inquiries and focuses on recommending immediate actions that could be taken prior to the 2009–10 bushfire season. The final report is due on 31 July 2010 and will cover the full scope of the Commission’s terms of reference. The Commission will monitor the progress of its interim recommendations and consider whether longer-term factors warrant their modification in its final report.

We commend this report to the people of Victoria as a partial account of the events of 7 February 2009, with the intent of providing recommendations to improve the preparation for and response to the 2009–10 bushfire season. We dedicate our work to the memory of those who died in the fires, to those they left behind, to those who were injured and to those who fought to protect fellow Victorians.
ELIZABETH THE SECOND BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
QUEEN, HEAD OF THE COMMONWEALTH

To The Honourable Bernard George Teague AO
Ronald Neville McLeod AM
Susan Mary Pascoe AM

GREETINGS:

WHEREAS:

A. On Saturday 7 February 2009, the State of Victoria experienced the most devastating bushfires in its history, resulting in a catastrophic loss of life and public and private property.


C. A range of inquiries conducted after those bushfires has led to the development of a coordinated State-wide approach to planning for, and responding to, bushfires and an extensive network of career and volunteer emergency services personnel.

D. The weather conditions on 7 February were unprecedented in terms of high temperatures, low humidity and wind speeds, following years of drought. The conditions on that day also followed a heatwave and bushfires, including in Gippsland, in late January 2009.

E. Over 4,000 fire service volunteers and career staff immediately responded to combat more than 360 fires across Victoria on 7 February and over 10,000 personnel were subsequently involved in the largest coordinated emergency response and community recovery operation in the State’s history.

F. The State acknowledges and commends the significant dedication and efforts of staff and volunteers in responding to this emergency in extremely difficult conditions.
G. Notwithstanding the scale of these efforts, there was an unprecedented loss of life, extreme property damage, and major community trauma and displacement.

H. The Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council, has therefore deemed it to be expedient that a Commission should issue to you in the terms set out below.

I. It is anticipated that in conducting Our Commission you will take into account the important role and functions of the Coroner, Victoria Police, the Director of Public Prosecutions and the Victorian Bushfire Reconstruction and Recovery Authority, and that you will consult with each of those persons or bodies to the extent that you consider appropriate in order to avoid the inquiries of Our Commission from interfering unnecessarily with the functions of those persons or bodies.

NOW THEREFORE the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council and acting pursuant to section 88B of the Constitution Act 1975, appoints and constitutes you

The Honourable Bernard George Teague AO
Ronald Neville McLeod AM
Susan Mary Pascoe AM

to be Our Commissioners

AND HEREBY APPOINTS The Honourable Bernard George Teague AO to be Chairperson of the Royal Commission.

FOR THE PURPOSE of inquiring into and reporting on the following matters:

1. The causes and circumstances of the bushfires which burned in various parts of Victoria in late January and in February 2009 (“2009 Bushfires”).

2. The preparation and planning by governments, emergency services, other entities, the community and households for bushfires in Victoria, including current laws, policies, practices, resources and strategies for the prevention,
identification, evaluation, management and communication of bushfire threats and risks.

3. All aspects of the response to the 2009 Bushfires, particularly measures taken to control the spread of the fires and measures taken to protect life and private and public property, including but not limited to:

(a) immediate management, response and recovery;
(b) resourcing, overall coordination and deployment; and
(c) equipment and communication systems.

4. The measures taken to prevent or minimise disruption to the supply of essential services such as power and water during the 2009 Bushfires.

5. Any other matters that you deem appropriate in relation to the 2009 Bushfires.

AND WE direct you to make such recommendations arising out of your inquiry as you consider appropriate, including recommendations for governments, emergency services, other entities and the community on:

6. The preparation and planning for future bushfire threats and risks, particularly the prevention of loss of life.

7. Land use planning and management, including urban and regional planning.

8. The fireproofing of housing and other buildings, including the materials used in construction.

9. The emergency response to bushfires.

10. Public communication and community advice systems and strategies.

11. Training, infrastructure, and overall resourcing needs.

AND WE do by these presents give and grant you full power and authority to call before you such person or persons as you shall judge likely to afford you any information upon the subject of this Our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.
AND WE declare the powers of the Commission at the discretion of the Chairperson may, at any time, be exercised by one or more Commissioners.

AND WE will and command that this Our Commission shall continue in full force and virtue and that you shall and may from time to time and at every place or places proceed in the execution thereof, and of every matter and thing therein contained although the same be not continued from time to time by adjournment.

AND WE direct you to conduct your inquiry as expeditiously as possible and to furnish US with:

(i) an interim report focusing on immediate actions that can be taken prior to the 2009-2010 fire season, by 17 August 2009; and

(ii) a final report by 31 July 2010 or such later date as WE may be pleased to fix.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Seal of the State to be hereunder affixed.

WITNESS His Excellency Professor David de Kretser, Companion of the Order of Australia, Governor of Victoria and its dependencies in the Commonwealth of Australia at Melbourne this _ day of February Two thousand and nine in the fifty-eighth year of Our reign.

By His Excellency’s Command

Premier of Victoria

Entered on the record by me in the Register of Patents Book No.94 Page No.111 on the 10th day of February 2009.

Secretary, Department of Premier and Cabinet
## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<td>ABC</td>
<td>Australian Broadcasting Corporation</td>
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<tr>
<td>AEMC</td>
<td>Australasian Emergency Management Committee</td>
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<td>AFAC</td>
<td>Australasian Fire and Emergency Service Authorities Council</td>
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<td>AGDCC</td>
<td>Attorney-General’s Department Coordination Centre (Commonwealth)</td>
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<td>AIIMS</td>
<td>Australasian Inter-Service Incident Management System</td>
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<td>AWS</td>
<td>Automatic Weather Station</td>
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<tr>
<td>BoM</td>
<td>Bureau of Meteorology</td>
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<td>Bushfire CRC</td>
<td>Bushfire Cooperative Research Centre</td>
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<tr>
<td>CAD</td>
<td>Computer Aided Dispatch</td>
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<td>CAP</td>
<td>Common Alerting Protocol</td>
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<td>CFA</td>
<td>Country Fire Authority</td>
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<td>CFS</td>
<td>Country Fire Service (South Australia)</td>
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<td>CIWS</td>
<td>Community Information and Warning System</td>
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<td>COAG</td>
<td>Council of Australian Governments</td>
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<td>COMDISPLAN</td>
<td>Commonwealth Disaster Response Plan</td>
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<td>CSC</td>
<td>Customer Service Centre</td>
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<td>CSIRO</td>
<td>Commonwealth Scientific and Industrial Research Organisation</td>
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<tr>
<td>DACC</td>
<td>Defence Assistance to the Civil Community</td>
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<td>DECC</td>
<td>Divisional Emergency Response Coordination Centre</td>
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<tr>
<td>DEECD</td>
<td>Department of Education and Early Childhood Development</td>
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<tr>
<td>DERC</td>
<td>Divisional Emergency Response Coordinator</td>
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<tr>
<td>DHS</td>
<td>Department of Human Services</td>
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<tr>
<td>DIGO</td>
<td>Defence Imagery and Geospatial Organisation</td>
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<tr>
<td>DPI</td>
<td>Department of Primary Industries</td>
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<tr>
<td>DSE</td>
<td>Department of Sustainability and Environment</td>
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<tr>
<td>EAS</td>
<td>Emergency Alerting System</td>
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<td>EMA</td>
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<td>ESTA</td>
<td>Emergency Services Telecommunications Agency</td>
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<td>FAQs</td>
<td>Frequently Asked Questions</td>
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<td>FDI</td>
<td>Fire Danger Index</td>
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<tr>
<td>FFDI</td>
<td>Forest Fire Danger Index</td>
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<td>GFDI</td>
<td>Grassland Fire Danger Index</td>
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<tr>
<td>ICC</td>
<td>Incident Control Centre</td>
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<tr>
<td>iECC</td>
<td>Integrated Emergency Coordination Centre</td>
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<td>IFMPF</td>
<td>Integrated Fire Management Planning Framework</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<td>IMF</td>
<td>Incident Management Facility</td>
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<td>Incident Management System</td>
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<td>IMT</td>
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<td>IPND</td>
<td>Integrated Public Numbers Database</td>
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<td>MAV</td>
<td>Municipal Association of Victoria</td>
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<td>MECC</td>
<td>Municipal Emergency Coordination Centre</td>
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<td>MEMP</td>
<td>Municipal Emergency Management Plan</td>
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<td>MERC</td>
<td>Municipal Emergency Response Coordinator</td>
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<td>MFB</td>
<td>Metropolitan Fire and Emergency Services Board</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>NEO</td>
<td>Networked Emergency Organisation</td>
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<tr>
<td>NIBA</td>
<td>National Insurance Brokers Association</td>
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<tr>
<td>OASIS</td>
<td>Organisation for the Advancement of Structured Information Standards</td>
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<tr>
<td>OESC</td>
<td>Office of the Emergency Services Commissioner</td>
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<tr>
<td>RECC</td>
<td>Regional Emergency Coordination Centre</td>
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<td>SECC</td>
<td>State Emergency Coordination Centre</td>
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<tr>
<td>SEOC</td>
<td>State Emergency Operations Centre</td>
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<td>SERCC</td>
<td>State Emergency Response Coordination Centre</td>
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<td>SERP</td>
<td>State Emergency Response Plan</td>
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<td>State Emergency Strategy Team</td>
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<td>SEWS</td>
<td>Standard Emergency Warning Signal</td>
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<tr>
<td>TFB</td>
<td>Total Fire Ban</td>
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<td>TOR</td>
<td>Terms of Reference</td>
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<td>VBIL</td>
<td>Victorian Bushfire Information Line</td>
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<td>VEMC</td>
<td>Victorian Emergency Management Council</td>
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<td>VFRR</td>
<td>Victorian Fire Risk Register</td>
</tr>
<tr>
<td>VICSES</td>
<td>Victorian State Emergency Service</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

**PREFACE**  
V

**ABBREVIATIONS**  
X

**INTRODUCTION**  
1–8

OVERVIEW OF 7 FEBRUARY 2009  
2

COMMISSION PROCESS  
3

THE INTERIM REPORT  
5

STRUCTURE OF INTERIM REPORT  
6

PROTECTION OF HUMAN LIFE  
6

SHARED RESPONSIBILITY  
6

EMERGENCY SERVICES PERSONNEL  
8

**EXECUTIVE SUMMARY**  
9–32

INTERIM REPORT RECOMMENDATIONS  
24

1 **THE FEBRUARY 2009 FIRES**  
33–82

INTRODUCTION  
36

THE WEATHER  
36

FIRE BEHAVIOUR  
45

FIRES EXAMINED  
48

FIRE ACTIVITY PRIOR TO 7 FEBRUARY  
49

BUNYIP  
50

DELBURN  
52

FIRE ACTIVITY ON 7 FEBRUARY  
54

KILMORE EAST  
55

HORSHAM  
60

COLERAINE  
62

POMBORNEIT–WEERITE  
64

CHURCHILL  
66

MURRINDINDI  
69

REDESDALE  
72

NARRE WARREN  
73

BENDIGO  
74

BEECHWORTH–MUDGEGONGA  
76

FIRE ACTIVITY AFTER 7 FEBRUARY  
78

PREVIOUS MAJOR FIRES  
79

2 **ENGAGING COMMUNITIES**  
83–102

COMMUNICATING WITH THE COMMISSION  
84

FIRE-AFFECTED COMMUNITY CONSULTATIONS  
86
### 3 SUBMISSIONS

The Submissions Process 104
The Value of Submissions 104
Submission Demographics 105
Recurring Themes in Submissions 106
Concluding Comments 118

### 4 WARNINGS

Bushfire Information, Warnings and Triggers 120
Bushfire Information and Education in Victoria 121
Bushfire Warnings: The Well-Trodden Path 122
What Makes a Good Bushfire Warning? 124
Bushfire Warnings: The System in Victoria on 7 February 129
Bushfire Information Disseminated Prior to 7 February 131
Bushfire Warnings on 7 February 133
How Did the Community Receive and Understand the Warnings on 7 February? 136
Conclusions on the Construction and Content of Bushfire Warnings 142
Towards a Longer Term Approach — A New Categorisation System 143
Lessons from the 2005 Wangary Fires and Project Phoenix 144
Rethinking the Standard Emergency Warning Signal 146
The Use of Sirens as a Bushfire Warning 148
A Telephony-Based Emergency Warning System 151

### 5 INFORMATION

Revisiting the FDI and the Fire Danger Rating 156
Building a Single, Multi-Agency Bushfire Information Website for Victoria 160
The Victorian Bushfire Information Line 163

### 6 RELOCATION

Introduction 174
The Terminology of Evacuation 174
Legislative and Policy Framework 175
Arguments Against Compulsory Evacuation 178
Relocation on 7 February 179
Protocols for Recommending Timely Relocation 183

### 7 STAY OR GO

The Current ‘Stay or Go’ Policy as Applied in Victoria 188
Community Implementation of the Stay or Go Policy 194
Themes in the Evidence on Stay or Go 201
# TABLE OF CONTENTS

8 **RISK AND REFUGE** 205–228  
- Identifying Bushfire Risk 206  
- Fire Refuges and Safer Places 209  
- Schools and the Safety of Children 226  

9 **INCIDENT MANAGEMENT: A CASE STUDY** 229–260  
- Australasian Inter-Service Incident Management System 230  
- Case Study: Kilmore East Fire 236  
- The IECC 255  
- AIMS and Information — How It Might Change 259  

10 **EMERGENCY MANAGEMENT** 261–276  
- Victoria's Emergency Management Arrangements 262  
- State Emergency Response Plan 264  
- Roadblocks 273  

11 **COMMONWEALTH RESPONSE** 277–284  
- Division of Responsibilities 278  
- The 'All Hazards' Approach to Natural Disasters 279  
- COMDISPLAN and Commonwealth Aid 280  
- Commonwealth Resources for Detecting, Tracking and Suppressing Fires 281  
- Commonwealth Involvement up to and on 7 February 283  

12 **EMERGENCY CALLS** 285–300  
- Triple Zero 286  
- The Role of Esta 289  
- Preparation for 7 February 291  
- Events of 7 February 293  
- Improving the Coordination and Capacity of Emergency Call Services 298  

13 **NEXT STEPS** 301–304
**ENDNOTES**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>306</td>
</tr>
<tr>
<td>1 THE FEBRUARY 2009 FIRES</td>
<td>306</td>
</tr>
<tr>
<td>2 ENGAGING COMMUNITIES</td>
<td>316</td>
</tr>
<tr>
<td>3 SUBMISSIONS</td>
<td>317</td>
</tr>
<tr>
<td>4 WARNINGS</td>
<td>318</td>
</tr>
<tr>
<td>5 INFORMATION</td>
<td>325</td>
</tr>
<tr>
<td>6 RELOCATION</td>
<td>329</td>
</tr>
<tr>
<td>7 STAY OR GO</td>
<td>331</td>
</tr>
<tr>
<td>8 RISK AND REFUGE</td>
<td>334</td>
</tr>
<tr>
<td>9 INCIDENT MANAGEMENT: A CASE STUDY</td>
<td>338</td>
</tr>
<tr>
<td>10 EMERGENCY MANAGEMENT</td>
<td>345</td>
</tr>
<tr>
<td>11 COMMONWEALTH RESPONSE</td>
<td>348</td>
</tr>
<tr>
<td>12 EMERGENCY CALLS</td>
<td>349</td>
</tr>
<tr>
<td>13 NEXT STEPS</td>
<td>352</td>
</tr>
</tbody>
</table>

**APPENDIX 1 – PARTIES GRANTED LEAVE TO APPEAR** 353–354

**APPENDIX 2 – HEARING DAYS AND WITNESSES** 355–360
Source: Courtesy of The Herald & Weekly Times
To obtain a copy of the interim report or the executive summary, contact Information Victoria on 1300 366 356 or bookshop@diird.vic.gov.au

If you would like to receive this publication in an accessible format such as large print or audio, please telephone 9651 5111, TTY 9651 5814 or email dp&c@dpc.vic.gov.au
INTRODUCTION

OVERVIEW OF 7 FEBRUARY 2009

1. In February 2009 the whole of south-east Australia was experiencing a severe and protracted drought — a drought without precedent. During January 2009 many locations in Victoria experienced no rain at all. Most other locations were at near record lows. The drought continues.

2. In late January 2009 exceptional heatwave conditions developed across Victoria, the most severe and prolonged in the history of south-east Australia. On 7 February many all-time temperature records were set. In Melbourne the temperature reached 46.4°C. The previous record was 45.6°C, set on Black Friday, 13 January 1939. The duration of the heatwave was exceptional, with Melbourne setting a record for the most consecutive days above 43°C (three days).

3. The countryside was parched. The heat and drought desiccated the vegetation of the forest floor. The fuel loads were extremely high. Those responsible for managing and fighting fires in Victoria compared the conditions with 1939 — prior to 7 February 2009 the most catastrophic bushfire season in Victorian history. They held a foreboding. There was an understanding that the landscape of Victoria was predisposed to ‘a catastrophic event’.

4. This dreadful expectation was matched by the calamity that descended on parts of Victoria on 7 February. The fires were ‘so extreme, so feral, so catastrophic, so devastating’. The Chairperson of the 2009 Victorian Bushfires Royal Commission (the Commission), Bernard Teague, used these words to attempt to convey the sheer brutality of the impact of the fires, yet in a way they do not. Those who fought the fires, strived to save their homes, witnessed the force of fire after taking shelter, or were in communication with loved ones, now deceased, have provided more than words to the Commission. They have given a personal and emotional content to the evidence that has helped the Commission understand the nature of these terrible fires and the almost overwhelming loss that followed.

5. Long-serving Country Fire Authority (CFA) officers had not experienced such fires. The speed, the roar, the wind and the spotting were exceptional. The fires enveloped everything in their path: ‘it just came at people from — yes, they didn’t have a chance’. The rate of spread of the fires equalled the maximum previously recorded, and the prolific spotting made fire behaviour on the day unique. The flames leapt 100 metres into the air, generating heat so intense that aluminium road signs melted. The plume of the fires created a convection effect that generated winds so strong that trees appeared to be screwed from the ground. Tree trunks snapped because of the ferocity of wind.
6. One hundred and seventy three people died in these fires — one of the greatest peacetime tragedies in Australia’s history. The personal cost cannot be over-estimated. We have glimpsed the ruin and observed the raw emotions of those left behind. Whilst physical recovery is underway, many of the losses sustained can never be healed, and recovery will never be complete.16

7. It is against this background that the Commission was established and three Commissioners were appointed and required to produce an interim report by 17 August 2009 and a final report by 31 July 2010 (Box 1).

Box 1: The Commissioners

The Hon Bernard Teague AO, Chairperson, retired from the Supreme Court in 2008 after serving 20 years on the bench, the last six as Principal Judge of the Criminal Division. He was the first practising solicitor appointed as a judge of the Court in 1987. As a solicitor he specialised in libel cases. As a judge he presided over more than 90 murder trials. He has also chaired the Adult Parole Board. He was made an Officer of the Order of Australia on Australia Day in 2009.

Mr Ron McLeod AM led the inquiry into the operational response to the 2003 ACT bushfires. He has been a career official in the Australian Public Service since 1958. He was a Senior Executive in the Public Service Board for many years before serving as a Deputy Secretary in the Department of Defence for 12 years. Mr McLeod has more recently been the Commonwealth and Defence Force Ombudsman, as well as the ACT Ombudsman.

Ms Susan Pascoe AM has been a full-time Commissioner with the Victorian State Services Authority since September 2006 and chaired a number of Government inquiries. She was formerly Chief Executive of the Catholic Education Commission of Victoria, Chief Executive of the Victorian Curriculum and Assessment Authority, President of the Australian College of Education and Chair of the Australian National Commission for UNESCO. Ms Pascoe has contributed to state, national and international efforts to improve the quality and equity of education.

COMMISSION PROCESS

8. The scale of the tragedy of 7 February warranted the establishment of an independent body to ascertain what happened and to determine, as far as is possible, what needs to be done to reduce the likelihood of such loss of life again. A Royal Commission is well suited to undertaking such a task. For the purposes of the interim report, a short description of the nature of such a Commission is set out.

9. A Royal Commission is an administrative inquiry established by Executive Government and is a mechanism by which Executive Government obtains information.17 The Commission is directed to inquire into and report on the fires that burned in late January and February 2009, and recommend on policies for preparation and response to bushfire. (The Commission’s terms of reference are at pages VI–IX of this report.)

10. While a Royal Commission reports to the Executive Government, by long tradition it operates independently. A Royal Commission is a valuable mechanism by which the circumstances of the involvement of government or government agencies in an event like the 7 February bushfires can be thoroughly examined in a public setting.

11. A Royal Commission has broad investigative powers. Its proceedings are generally inquisitorial and it is not subject to the strict rules of evidence that apply to a court of law. In this way, a Royal Commission is suited to uncovering facts that may not otherwise be discovered. Unlike a court of law, a Royal Commission is not under a duty to reach definitive conclusions. It has a legal duty to report and the report is limited to explaining what the Commission has done, what conclusions were drawn from its investigations and what advice it should give the Executive Government based on its deliberations.18
INTRODUCTION

12. When witnesses give evidence during the hearings of the Commission, that evidence is led and tested by Counsel Assisting. Counsel Assisting exercises the function of managing the investigations of the Commission, of reviewing the material that is generated by those investigations and of determining the evidence that should be led in public hearings. Part of the function of Counsel Assisting is to test the evidence that is given, even if that is an uncomfortable experience for witnesses concerned. It is important that this process be undertaken so that the Commission can be confident it can rely on the evidence placed before it.

13. Ultimately, the three Commissioners must decide what conclusions are drawn from the evidence that is called. It is the role of Counsel Assisting to undertake the detailed investigation work of the Commission, to ensure that any person who may be affected by the Commission’s findings may be confident that the Commissioners have approached the hearings with open minds.

14. In evaluating the evidence, while not bound by the legal system’s rules of evidence, the Commission has been mindful of those rules, for they represent the means worked out by the courts over many years for identifying the kinds of material that can safely be relied on. The Commission is therefore confident that the conclusions reached in this interim report are based substantially on material that would be admissible in a court of law. That evidence consists primarily of sworn evidence given during the Commission’s hearings and documents that have been tendered.

15. As the work of the Commission continues, and its focus shifts from investigating the events of 7 February to the question of reform, some different methods for obtaining relevant information will be employed to ensure an efficient use of time. In so doing, the Commission will continue to be mindful of the rights of individuals and the need to have regard to natural justice and procedural fairness. Details of these other methods will be available in due course.
THE INTERIM REPORT

16. From the outset, the Commission took the view that its work should be accessible to individuals and communities directly affected by the fires, to the broader Victorian and Australian community, and to those from the international community with an interest in its work.

17. The Commissioners made it their first priority to listen in their local communities to people affected by the fires. These powerful sessions provided a human backdrop to the Commission’s deliberations and helped the Commissioners identify themes and priorities for their work. In addition, witnesses with direct experience of the fires have appeared formally before the Commission to tell of their experience and to provide opinions. The human dimension of the fires has also been vividly relayed in many of the written submissions that individuals, families, community groups and organisations have sent to the Commission.

18. To make its work accessible to as broad an audience as possible, the Commission moved quickly to establish a website and phone inquiry line, place submissions on its website, have the formal hearings streamed live on the world wide web, and have the transcripts of each day’s hearings made available the following day.

19. The Commission was required to produce an interim report that addressed matters that are amenable to immediate actions that could be taken for the 2009–10 bushfire season. This necessitated that the Commission identify relevant issues that could be the subject of evidence and would inform the interim report recommendations. The effort required to produce such evidence before the Commission, and consequently to report by 17 August, should not be underestimated, particularly given the time needed to set up an independent body at the outset, and to conduct the community consultations. To achieve the objectives for the interim report the Commission took oral evidence from 87 witnesses over a concentrated period of 37 days of hearings. Thousands of documents relevant to matters before the Commission have been read and considered.

20. This first block of hearings focused on warnings and information provided to the community on bushfires, to enable the Commission to make recommendations on vital issues that are important to the preservation of human life.

21. The evidence called focused on the provision and communication of community warnings. The evidence ranged from the use of modern telecommunications to the use of local sirens. Particular warnings issued and the prediction of fire were considered. The background and use of the Prepare, Stay and Defend or Leave Early Policy — the ‘stay or go’ policy — was the subject of evidence, as was the issue of fire refuges.

22. The interim report is a preliminary report produced to meet the specific direction of the terms of reference. The Commission has already received a volume of evidence that will not be reviewed in this interim report because it relates to matters more appropriate for the final report.

23. While accepting the need for the Commission to make recommendations in this interim report, the State and the Commonwealth both submitted that the Commission should refrain from making findings of fact in the interim report. These submissions are in part based on a concern to prevent possible damage to the reputations of particular individuals and organisations.

24. The Commission recognises the need for care in relation to findings and recommendations in the interim report. The evidence is not complete in a number of areas that have come under scrutiny in the Commission. The Commission understands that, in some cases, an impression may be given by partial evidence that would change once all the evidence on the subject is received.

25. The Commission has decided that where evidence does not relate directly to any recommendations made in this interim report, it will refrain from making any findings about that evidence until it releases its final report. The Commission has taken this approach even in relation to matters that it thinks are unlikely to be the subject of any further evidence, because in the absence of any pressing need to make such findings in this interim report, it is preferable to reserve judgment so as to ensure that any interested person has the greatest opportunity possible to put relevant evidence or submissions before the Commission.
INTRODUCTION

26. The Commission has had to reach conclusions on some issues of fact to enable it to frame the recommendations. The Commission is satisfied that the recommendations contained in this interim report are based on a solid evidentiary foundation.

27. The Commission notes the remarks of Justice Stretton in the introduction to his Commission Report provided after the bushfires of 1939: “that facile wisdom which comes after an event is not wisdom, but foolishness”. 21 In deliberating over evidence and making recommendations, the Commissioners are aware that they are reviewing events through the prism of hindsight.

STRUCTURE OF INTERIM REPORT

28. To provide context to the later analysis, the first chapter of this report presents a summary of the main fires that burned in Victoria in January and February 2009. This is followed by chapters on the various means of community engagement, and a summary and analysis of the contents of written submissions.

29. Matters that were dealt with in the formal hearings, which have a bearing on the interim report, are treated in chapters on warnings, bushfire information, relocation, the ‘stay or go’ policy, risk and refuges, incident management, emergency management, the Commonwealth response and emergency calls. The final chapter notes issues that will be the subject of future hearings.

30. A number of matters discussed in this interim report have been referred to parties for trialling, further investigation or further consideration. These matters will be the subject of reports and are listed in the final chapter.

PROTECTION OF HUMAN LIFE

31. The loss of 173 lives and the destruction caused by the fires on 7 February were the principal reasons for the constitution of this Commission. In his opening address, the Commission Chairperson proposed that the protection of human life should be the general focus to guide the work of the interim report. This position was supported by the State and other represented parties. The evidence given by witnesses and the views expressed in the many hundreds of submissions provided to the Commission further confirm the overwhelming desire of the Victorian community to avoid a loss of life on such a scale again. The Commission adopts the protection of human life as the fundamental guiding principle in framing the recommendations for this interim report and hopes that this principle will also motivate those responsible for implementing the Commission’s recommendations.

SHARED RESPONSIBILITY

32. The various roles played by fire agencies in preparing the community and in protecting lives in the circumstances of 7 February have weighed heavily in the Commission’s consideration of the evidence, and in its reflections and recommendations. Such an emphasis is a natural and proper feature of an inquiry of this kind. However, the necessary focus on the role of agencies and the State should not obscure, and should not be seen as diminishing, the responsibility of the community in preparing itself for, and protecting itself against, the extreme hazards posed by bushfires.

33. The long-term aim expressed in the Victorian policy and legislative framework for community safety in bushfires is to build resilient communities, meaning those in which individuals, households and entire communities are able to effectively draw on personal, social and structural resources to positively take steps to protect themselves against the risks posed by bushfires. This approach uses the language of partnership between agencies and communities. Agencies, as an embodiment of the state, accept responsibility to educate and inform and to protect the community using the resources available to them. Community members accept responsibility for their own decisions.
INTRODUCTION

34. The Commission’s recommendations should be read and understood with an appreciation that where agency action is recommended, community participation is implied. Where warnings are required, so too is a commitment by the community to be alert to fire weather conditions, to tune in to warnings, and to act on them. Where agencies are asked to assist with tools and advice to assess defendable space, community members are asked to use every available resource to assess and prepare their properties. Designated community fire refuges and ‘neighbourhood safer places’ are important. So too are privately arranged safer places. Agencies must actively promote awareness about bushfire and preparedness. The community must avail itself of the educational resources provided, and must take seriously the obligation to prepare.

EMERGENCY SERVICES PERSONNEL

35. The CFA is justifiably a proud organisation. The history of the CFA has been detailed before the Commission. Time after time, over the decades since its formation, its members have been prepared to make enormous sacrifices for the good of the Victorian community, sometimes at the cost of their lives. The evidence of the Chief Officer of the CFA is that the organisation comprises 59,000 volunteers supported by 400 career firefighters and 700 career support and administrative staff. The self-sacrifice and bravery of the men and women who volunteer, and the State’s continuing debt to these people, were highlighted by the events of 7 February.

36. The firefighters of the Department of Sustainability and Environment (DSE) and the Metropolitan Fire and Emergency Services Board (MFB), and firefighters from other Victorian fire authorities, from elsewhere in Australia and overseas, also deserve similar praise for their generosity and commitment in assisting their CFA colleagues, and the residents of Victoria, during the bushfires.

37. On 7 February the State of Victoria called on men and women in a number of other services and agencies to help manage the devastation that lay in the wake of the fires. A mighty response was mounted. Those associated with CFA, DSE, MFB, Victoria Police, Victorian State Emergency Service, Emergency Services Telecommunications Agency, Victorian Bushfire Information Line, Networked Emergency Organisation agencies, the Australian Defence Force, businesses, not-for-profit organisations and members of the community generously responded and kept on responding in the days after the initial impact of the fires. Accounts of individual bravery and self-sacrifice have been provided in evidence and these illustrate the commitment of all. This was a magnificent contribution that we publicly acknowledge in this report.

38. The sacrifice and dedication of the thousands of volunteers is a striking example of the community taking responsibility for itself. So, too, are the many accounts of people helping each other in the midst of overwhelming fires and unspeakable loss. The Commissioners are hopeful and optimistic that the recommendations for changes to the legislative and policy framework will only strengthen an already resilient community.

39. Without in any way diminishing the outstanding contribution of all members of these organisations, the Commission’s role requires it to continue to examine the functions, protocols and administration of the main emergency service organisations so that lessons can be learnt from this disaster. The Commission’s primary guiding principle, the protection of human life, demands no less.
Source: Jason South, courtesy of The Age
EXECUTIVE SUMMARY

The following discussion summarises the Commission’s interim report, its conclusions, and the areas in which it has made recommendations for the 2009–10 bushfire season. A full list of the recommendations can be found at the end of the Executive Summary. Details of these conclusions and recommendations and the evidence that support them are set out in the interim report.

In February 2009 the whole of south-east Australia was experiencing a severe and protracted drought. During January 2009 much of Victoria had no rain and most areas of the State had recorded near record lows.

In late January 2009 heatwave conditions developed across Victoria and on 7 February many all-time temperature records were set. In Melbourne the temperature reached 46.4°C. The previous record was 45.6°C set on Black Friday (13 January 1939).

These extreme conditions were recognised by the Victorian Government and fire agencies. Prior to 7 February, Victorians were warned that the forecast weather was worse than Ash Wednesday, and senior government officials, from the Premier down, warned that it was likely to be ‘the worst day ever in the history of the State’.

These dreadful expectations were matched by the calamity that resulted on 7 February.

Many long-serving Country Fire Authority officers had not experienced such fires. The rate of spread of the fires equalled the maximum previously recorded, and the prolific spotting made fire behaviour on the day unique. Reports referred to flames leaping 100 metres into the air, generating heat so intense that aluminium road signs melted. The plume of the fires created a convection effect that generated winds so strong that trees appeared to have been screwed from the ground.

One hundred and seventy-three people died in the fires. The personal cost cannot be overestimated. The Commission has glimpsed the ruin and observed the raw emotions of those left behind. Whilst physical recovery is underway, many of the losses are permanent.
This map covers the fires up to 23 February 2009, including those discussed in this report.

THE ROYAL COMMISSION

It is against this background that the Hon Bernard Teague AO, Mr Ron McLeod AM and Ms Susan Pascoe AM were appointed to be Commissioners of the 2009 Victorian Bushfires Royal Commission with Terms of Reference that required it to produce an interim report by 17 August 2009 and a final report by 31 July 2010.

A Royal Commission is an administrative inquiry established by Executive Government which, by long tradition, operates independently. A Royal Commission is a valuable mechanism by which the circumstances of the involvement of government or government agencies in an event like the 7 February bushfires can be thoroughly examined in a public setting. A Royal Commission has broad investigative powers. It is not under a duty to reach a definitive verdict. It has a duty to report on the nature of its inquiries, explaining what conclusions were drawn from its investigations and what advice it should give the Executive Government based on its deliberations.
EXECUTIVE SUMMARY

COMMUNITY CONSULTATIONS

From the outset the Commission saw its interaction with all Victorians, and in particular those affected by the fires, as a vital cornerstone of its work. The Commission’s first priority was to meet with and listen to people from the communities directly affected by the fires. Between 18 March and 9 April the Commission held 26 community consultations in 14 fire locations. Some 1200 people attended.

The consultations enabled the Commission to hear first-hand about people’s experiences and gain valuable insights into how individuals and communities had dealt with the disaster. It was a privilege to be allowed into these communities to hear highly personal accounts of the difficult experiences and losses suffered.

Participants’ experiences have influenced the priority of issues covered in the Commission’s interim report. The people involved in the consultations talked about their preparation for the fire, how they felt the emergency effort was managed, the communication of warnings, and recovery efforts (Chapter 2).

The four weeks of the consultations provided an important opportunity for those involved to come together and talk about their experiences. This, in itself, was a valuable outcome of the discussions.
SUBMISSIONS

Public submissions were invited from any person or organisation with information relevant to the Commission’s Terms of Reference. Over 1200 submissions were received prior to the closing date for the interim report. They have come from across Victoria, from people in fire-affected and unaffected areas, and from around Australia and overseas.

The submissions have helped the Commission to frame its work program. They have contributed to identifying shortcomings and deficiencies that needed investigation. Many helpful suggestions and observations have been made that have assisted the Commission in assessing issues and priorities.

Figure 2 summarises the topics raised and the number of submissions on each topic. The issues raised in submissions are summarised in Chapter 3.

Figure 2: Submissions by key topics
EXECUTIVE SUMMARY

PUBLIC HEARINGS

Royal Commissions commonly conduct open and public hearings, which enable the gathering of evidence in a form that permits parties potentially materially affected by the evidence to be represented, and to be in a position to test the evidence.

Counsel Assisting lead the evidence and the parties who have been granted leave to appear may cross-examine witnesses. In this way any concerns about natural justice and procedural fairness principles can be satisfied.

The gathering of evidence in this fashion is a vital part of the Commission’s work. It has occupied a major portion of the Commission’s time to this point. Part of the function of Counsel Assisting is to test the evidence that is given, even if this is an uncomfortable experience for witnesses concerned. Ultimately, it is the three Commissioners who must decide what conclusions are drawn from the evidence that is called.

Many witnesses called have been State officials or members of the emergency services agencies. Others have been expert witnesses or from organisations that have an interest in aspects of the Commission’s work.

During each day of the public hearings, evidence was given by private individuals who were able to inform the Commission of their own experiences during the fires. In this way the Commission has been able to maintain a close connection between the community interest and the bodies associated with the management and response to the bushfires.

The Commission was conscious of the widespread interest in its proceedings and arranged live web-streaming of the public hearings. This has been widely welcomed. Libraries throughout Victoria (including the State Library) made facilities available for people to view or listen to the live streaming and to access and download transcripts from the hearings. This has assisted the Commission in providing an open and accessible process for fire-affected communities and the wider Victorian community. The Commission thanks the State Library and all the other libraries for helping to make the hearings accessible to a very wide audience.

FEBRUARY 2009 FIRES

February 7 was an extremely busy day for fire agencies with many small fires and a significant number of larger fires burning across Victoria. In many cases quick actions by the CFA meant that small fires were controlled quickly and caused minimal damage. For example, one of the smaller fires that warrants mention is one that started in Upper Ferntree Gully during the afternoon. Twenty-one CFA appliances and 168 personnel attended this fire, assisted by a heavy helicopter that was redeployed from Bunyip. The fire was eventually brought under control at about 9:30pm. The CFA described the fire as having the ‘most significant potential’ for losses on the day, because it burned at the foothills of Mt Dandenong, in a heavily populated area of Melbourne.
The Commission is examining 12 of the largest fires, in which lives were lost or significant damage occurred. These are the Kilmore East, Murrindindi, Churchill, Delburn, Bunyip, Narre Warren, Beechworth-Mudgegonga, Bendigo, Redesdale, Coleraine, Horsham and Pomborneit-Weerite fires.

Chapter 1 of this report records some detail on each of these fires. Their location is illustrated in Figure 1. Detailed evidence has only been received on the Kilmore East fire, but the Commission intends to continue with its investigation of the fires in the next phase of its work.

While the major damage from the fires occurred on 7 February, even after that date considerable fire activity remained. The Kilmore East–Murrindindi fire, for example, was not under control until 10 March and not considered safe until 27 April. Similarly, the Bunyip fire was not under control until 15 March.

The Commission's detailed examination of how the authorities dealt with the Kilmore East fire complemented other evidence it received on bushfire operations and policy, and has enabled it to reach conclusions on changes that should be implemented for the 2009–10 bushfire season.
EXECUTIVE SUMMARY

WARNINGS AND INFORMATION

Timely warnings save lives. The community expects and depends on detailed and high quality information prior to, during, and after bushfires. The community is also entitled to receive timely and accurate bushfire warnings whenever possible, based on the intelligence available to the control agencies.

Though they are distinct concepts, the provision of information (Chapter 5), warnings (Chapter 4) and the response to emergency calls (Chapter 12) are inextricably linked. Ongoing information about bushfires prepares the community and educates on the appropriate steps to take if a warning is issued. In contrast, a bushfire warning is specific advice about an imminent event. Such a warning should propel the community into action in response to a specific threat — ideally, armed with the information and education which has prepared them to respond.

Prior to 7 February the State Government devoted unprecedented efforts and resources to informing the community about the fire risks Victoria faced. That campaign clearly had benefits, but it could not, on its own, translate levels of awareness and preparedness into universal action that minimised risk on the day of the fires. Indeed, no campaign will have universal success. The effectiveness of any campaign depends on the quality of information, the modes of dissemination and the willingness and capacity of people to hear, understand and act on the message. This is a shared responsibility between government and the people.

However, there were a number of weaknesses and failures with Victoria’s information and warning systems on 7 February. Warnings were often delayed which meant that many people were not warned at all or the amount of time they had to respond to the warnings was much less than it should have been. The warnings that were issued often did not give people a clear understanding of the location and severity of the fire and how they should respond.

The methods of delivery of the warnings were also inadequate. Some techniques for raising awareness such as the use of an emergency warning signal to capture people’s attention when warnings are broadcast were not used. Similarly, other avenues for issuing and raising awareness of warnings were not encouraged, such as the use of local sirens or the use of commercial radio and television.

Finally, the sources of information and warnings that were available during the fire did not cope well with the level of demand. People had difficulty getting onto the relevant websites and about 80 per cent of the calls to the Victorian Bushfire Information Line were unanswered. Often the information available through these sources was incomplete or out of date.

During the afternoon of 7 February the emergency telephone call services (Telstra’s Triple Zero service and the Emergency Services Telecommunications Authority) experienced unprecedented demand which resulted in serious failures. Large numbers of calls were not answered and many callers could not be connected to the relevant authorities, leading to a significant number of abandoned calls. The collapse of the system caused extreme stress to both the callers and the operators.

There are opportunities to improve the content, sources and means of disseminating bushfire information and warnings to the public. The Commission’s recommendations cover the following:

- improving the quality of bushfire information and warning messages by adopting standard language already developed for national usage
- simplifying the format of bushfire warnings
- reintroducing the Standard Emergency Warning Signal to draw attention to broadcast warnings about life threatening fires
- extending the broadcasting of official warnings to commercial radio and television
- allowing the reintroduction of sirens in local communities where there is demand for them
- supporting the acceleration of the full introduction of a nationally developed telephone based automatic warning system
- pursuing research into the development of improved fire danger index systems
enhancing the role of the Bureau of Meteorology in issuing daily information on bushfire risk

improving technology and processes to accelerate the updating of common bushfire information on agency websites

increasing the capacity of the bushfire emergency networks, the Victorian Bushfire Information Line, Telstra’s Triple Zero service and the Emergency Services Telecommunications Authority to better handle peak demands, and to work more collaboratively during severe fire risk days.

Many of these changes will need to be accompanied by an education campaign so that people understand the changes and how to interpret the information that is provided.

PROTECTING PEOPLE DURING BUSHFIRES

Stay or Go

In Victoria, community response to bushfire is guided by a policy that directs residents to Prepare, Stay and Defend or Leave Early, known more commonly as the ‘stay or go’ policy (Chapter 7). This policy has been developed over many years and reflects an understanding from research into past fires that with proper planning and prior preparation, most buildings can be successfully defended from a bushfire. The alternative is to plan to leave early.

An analysis of this policy approach against the background of the recent fires has led the Commission to conclude that there has been insufficient emphasis on the risks of staying and defending. Unquestionably the safest course is always to leave early. To stay may still be an appropriate option for some, particularly in less dangerous bushfires, but a number of conditions need to be satisfied.

To stay requires considerable effort to prepare a property and make it defendable. But some properties, because of their nature and locality, will not be defendable in extremely dangerous bushfires.

To defend a property successfully requires considerable physical effort and emotional strain. Often more than one person needs to be involved. It is a task for those who are physically fit and mentally strong. It is not a place for children, older people or the infirm.

Properties also need to have a range of auxiliary equipment to bushfire standards, and an ample water supply that will not be affected by a loss of mains power.

In addition, the concept of defendable space needs to be given stronger recognition as an important element in the range of bushfire protection policies and processes.

These messages need greater acknowledgement in the written publications, training and advice provided by the CFA.

The Commission has recommended that the emphasis of CFA community education literature and advice be changed and improved to more realistically acknowledge the risks of extremely dangerous bushfires.

For those who choose to stay and defend, the risks should be spelt out more plainly, including the risk of death. People should also be encouraged to recognise that not all houses are defendable in all situations and contingencies need to be considered in case the plan to stay and defend fails.

It is recommended that the CFA should have the authority to give specific advice about the defendability of individual properties and whether residents should relocate rather than trying to stay and defend. Aids for self assessment of a home’s defendability should also be improved and made more readily available.

For those who plan to leave, there should be more explicit advice on triggers that should be used to determine when to go.

People need to have options other than the simple alternatives of ‘stay’ or ‘go’. The experience of these fires demonstrates that a personal fire plan needs to recognise that a person’s preferred option may not be possible and sometimes fails. In the view of the Commission, the availability of local areas of refuge is an important and essential complement to the ‘stay or go’ policy.
EXECUTIVE SUMMARY

Refuges

The State’s fire refuges policy introduced in 2005 has not resulted in any new refuges being established in Victoria, and has raised questions about the few existing refuges that continue to be recognised. In the Commission’s view, the current lack of refuges fails to provide for those who find themselves in danger when their plans fail, are overwhelmed by circumstances, change their minds, or have no plan. The lack of refuges in Victoria also fails to assist people in areas threatened by fire who are away from their homes, such as employees, visitors, tourists, travellers and campers. Any option, which reduces the risk to people in these circumstances, warrants consideration by the State (Chapter 8).

A new approach, which is capable of providing more options for the community, should be embraced. Such an approach would shift the emphasis away from an exclusive focus on purpose built structures acting as refuges, and permit the use of existing venues (including car parks, amenities blocks and dam walls) and open spaces (such as ovals, sporting grounds and race tracks).

A regime for designating community fire refuges should balance achievable criteria for their identification and operation, with the need to provide a range of options with appropriate minimum safety standards. The Commission has recommended that the State commence identifying and establishing designated community refuges, particularly in areas of high bushfire risk.

The State suggested the Commission should consider other options such as ‘safer places in a neighbourhood, informal places of shelter and township protection plans’. In this context, the State said that it will, for the next bushfire season, start identifying appropriate sites as ‘neighbourhood safer places’ and will educate the public about the appropriate use of those places. This initiative is welcomed and supported by the Commission.

The CFA should endeavour to give priority to providing resources to assist the defence of designated community refuges and neighbourhood safer places during the passage of a fire front to enhance the safety of those who may seek to rely on these facilities.

Relocation

The Commission received little support for compulsory evacuation. However, the evidence before the Commission indicates that people need more guidance on whether they should plan to relocate because their house cannot be defended, and on the ease with which they can leave safely. There was recognition that bushfire warnings in some locations should advise people to urgently leave, even with an approaching fire (Chapter 6).

The responsibility for recommending relocation should rest with the Incident Controller managing the fire, who is considered to be in the best place to make such judgments. The recommendations of the Incident Controller would be advisory. The existence of community designated refuges and neighbourhood safer places is relevant in this context as is advice from the police on the availability of safe open exit roads.

Three government schools (Strathewen Primary School, Marysville Primary School, Middle Kinglake Primary School) and three kindergartens (Kinglake Kindergarten, Flowerdale Kindergarten and Marysville Kindergarten) were destroyed by fire on 7 February.

Bushfire policies for schools in Victoria, as at 7 February, were less than ideal. There was no state-wide policy requiring government schools to evacuate, close or use a fire refuge in event of fire.

Since 7 February, the Department of Education and Early Childhood Development (DEECD) has implemented significant policy changes:

- a new procedure for school closures on total fire ban days and days of extreme fire risk
- a safety audit of refuges in schools in the Eastern and Northern Metropolitan Regions
- provision of the Bushfire Safety Checklist to children’s services.

DEECD is commended for moving quickly and decisively, but further work needs to be done. The Commission has recommended that DEECD complete its review of refuges and complete priority rectification work to refuges in schools. It should also review the adequacy of bushfire protection measures for kindergartens, child care centres, preschools and early learning centres.
Local Government

Local government is a significant player in regulating and supporting townships and communities under their jurisdiction. Recommendations have been made that will enable municipal councils to have a preventative role in leading and contributing to some initiatives aimed at helping to make their communities safer and to protect people during bushfires. They are being asked specifically to review their Municipal Emergency Management Plans to ensure that they include appropriate provision for refuges and relocations that may occur during bushfires.

Police Roadblocks

Roadblocks were a particular source of frustration and annoyance during the fires. The main criticism was that they were applied too inflexibly and added an additional burden to people already highly stressed. The Commission has recommended that Victoria Police review its guidelines on the operation of roadblocks with the aim of creating a more flexible set of procedures, particularly for local people whose bona fides can be established (Chapter 10).

IDENTIFYING BUSHFIRE RISK

Areas of Victoria at risk of bushfire are identified in several different ways. The evidence to date has revealed different processes for identifying areas at risk for the purposes of emergency management planning, land use planning and building regulation.

The Commission notes that fragmented planning, including risk identification, was one of the factors that led to the development of the Integrated Fire Management Planning Framework endorsed in principle by the State in September 2006, but not yet implemented.

The Commission endorses the concept of integrated, whole of government fire management planning. This has the potential to lead to the introduction of planning processes that make communities safer and are easier to use. This project should be given higher priority.

EMERGENCY MANAGEMENT

Victoria’s Emergency Management Act 1986 was enacted following the Ash Wednesday bushfires in 1983, to provide a legislative foundation for emergency management involving an all hazards, all agencies approach, and appropriate coordination of all agencies involved in the response to, or recovery from, an emergency.

The ‘all hazards’ approach to emergency management recognises that all emergencies cause similar problems and that many of the measures required to deal with emergencies are generic. The ‘all agencies’ aspect of Victoria’s emergency management arrangements recognises that all agencies have a role in emergency management and protecting the community from identified risks.

Whatever arrangements the State chooses to follow during the forthcoming bushfire season, the Commission intends to examine further the emergency management arrangements for bushfires. This is considered necessary to ensure that the lessons from the 2009 bushfires can be taken into account in determining the strategic emergency management structure that will best serve Victoria for the future.

From the evidence heard to date, the Commission believes that immediate changes are required to the State Emergency Response Plan (SERP). The SERP does not clearly designate the agency responsible for issuing warnings and recommending relocation.

In addition, the means by which warnings were issued and evacuations were made on 7 February bore little resemblance to the arrangements in the SERP.

Diffuse or unclear responsibility for warnings and relocation is at best unhelpful and at worst life threatening in an emergency. It is unsatisfactory that the SERP does not designate clearly the responsibilities of agencies and emergency response coordinators to issue warnings and to advise people to relocate during an emergency. The Commission has recommended that the SERP be amended to give clear responsibility to the control agency to issue warnings. (Chapter 10). To avoid confusion as to which agency is responsible for these matters, emergency response coordinators should not be responsible for warnings and advice to relocate.
EXECUTIVE SUMMARY

Operational Matters

Examination of the management of the Kilmore East fire has identified several areas where the Commission is satisfied that it has sufficient evidence to warrant recommending some changes to operational arrangements for bushfire management (Chapter 9). Desirably, these changes would be in place before the next bushfire season.

During the public hearings reference was made to the lack of statutory responsibility in the Country Fire Authority Act 1958 for issuing community warnings. The Commission is of the view that this responsibility should have been understood and accepted by the CFA as a normal part of its functions. However, to remove any ambiguity between the roles of the CFA and Victoria Police, the Commission has recommended that the legislation be amended. The State has indicated that it accepts the need for an amendment. Unambiguous arrangements should be in place for the next bushfire season.

A complementary authority for the Chief Fire Officer of the Department of Sustainability and Environment is recommended in the form of a formal delegation of powers.

Other recommendations have been made relating to the selection of the Incident Controller on the basis of competence, and to the widening of the responsibilities of the Incident Controller in issuing bushfire warnings including when staff may not be directly responsible for management of the fire.

Finally, State Duty Officers’ responsibilities for ensuring that proper staffing and set up of pre-designated Incident Control Centres should be made more explicit.

COMMONWEALTH ROLE

The Commonwealth plays an important role in supporting the states and territories, particularly in the recovery phase. It continued this role after the 7 February bushfires, with considerable assistance, particularly from the Australian Defence Force. The Commonwealth has also encouraged national approaches to disaster management (Chapter 11).

The Commonwealth has said it is willing to discuss with the states and territories the nature of its contribution, which the Commission welcomes. This includes exploring whether Commonwealth technology could be used to improve the contribution that remote imagery plays in supporting bushfire suppression operations. More regular contact between Commonwealth entities and state and territory fire agencies is recommended. This would strengthen the relationship and understanding of both levels of government.

IMPLEMENTATION BY THE 2010 FIRE SEASON

Overall, the State Government carries much of the responsibility for deciding on the direction of change, funding it, and charging the various State agencies with the implementation tasks that will arise from the Commission’s recommendations. The Commission is sympathetic to the views expressed by State’s Counsel in the final stages of the recent round of hearings that some matters raised in Counsel Assisting’s suggested recommendations would be difficult to implement in time for the 2009–10 bushfire season.

As far as possible, the Commission has endeavoured to frame its recommendations with a realistic assessment of the State’s concerns in mind. The Commission agrees with the State that it is important to develop a comprehensive package of material to assist in the re-education of the community to understand the significant role individuals and households must play, in any new arrangements. Recommendations have been framed with this in mind.

However, in some areas the lessons from the Commission’s analysis so far of the 2009 bushfires are so compelling that it would be unfortunate if the benefits of these changes are not made available to the community in the forthcoming bushfire season.

The 2009–10 bushfire season might or might not be as serious as the past season. The awareness of the number of lives lost in 2009, strengthens the Commission’s resolve to encourage the State to do all in its power to implement those recommendations that have a direct bearing on the protection and safety of individuals and communities.
FUTURE HEARINGS

The Commission is required to deliver a final report on 31 July 2010. A further 28 weeks of public hearings are scheduled to examine the issues specified in the Commission’s Terms of Reference. An outline of the program of hearings and topics to be covered is in Chapter 13 of this report.

The overarching focus of the work of the Commission will remain on the protection of human life. Recommendations to minimise the likelihood of a reoccurrence of the tragedy of 7 February will be provided to the people of Victoria in memory of family and friends lost in the bushfires.

RECOMMENDATIONS

The Commission makes 51 recommendations in this interim report. In making these recommendations the Commission focused predominantly on changes that can be implemented prior to the 2009–10 bushfire season to enhance the protection of human lives.

The Commission has set dates for the relevant responsible party or parties to advise the Commission on the implementation of each recommendation. Specifically, parties are to provide to the Commission:

■ an Implementation Plan by 30 September 2009 — being brief advice setting out the proposed response, allocated responsibilities and schedule to implement a recommendation; and

■ a Delivery Report by 31 March 2010 — being a more detailed report on the progress made towards implementing each recommendation and, where appropriate, the outcomes and effectiveness of the response.

In respect of each recommendation, the Commission is seeking a single report. Where a number of parties are responsible for a recommendation, the Commission would appreciate one party coordinating a single, consolidated report. Further, with respect to Recommendations 6.4 and 8.2, it would assist the Commission if the Municipal Association of Victoria coordinates the Implementation Plan and Delivery Report, consolidating the responses by relevant individual municipal councils.

The recommendations from each chapter are listed below (not all chapters contain recommendations).
CHAPTER 4 WARNINGS

RECOMMENDATION 4.1

The State ensure that bushfire warnings issued in Victoria:
- are founded on the principle of maximising the potential to save human lives;
- embody the principles encapsulated in Recommendation 8.5 of the Council of Australian Governments report, the National Inquiry on Bushfire Mitigation and Management (2004);
- embody the principles endorsed in the Australasian Fire and Emergency Service Authorities Council Draft Discussion Paper, A National Systems Approach to Community Warning (May 2009); and
- incorporate the use of the Common Alerting Protocol, as adapted for the Australian context.

RECOMMENDATION 4.2

The State ensure that the content of bushfire warnings issued in Victoria reflects the principles set out in the Commonwealth policy paper Emergency Warnings — Choosing Your Words (2008). In particular, all bushfire warnings issued in Victoria must use clear language, avoid euphemisms, and contain explicit information in relation to:
- the severity, location, predicted direction and likely time of impact of bushfires on specific communities and locations; and
- the predicted severity of impact of the bushfire and whether a specific fire poses a threat to human life.

RECOMMENDATION 4.3

The State commission research into the development of a new fire severity scale that denotes the risk posed by dangerous and extremely dangerous bushfires (similar to the cyclone categories 1 to 5).

RECOMMENDATION 4.4

The State ensure bushfire warnings in Victoria are confined to two categories or stages:
- Bushfire Information — a message providing information to the community on a bushfire that is ‘going’ and has the potential to threaten public safety; and
- Bushfire Warning — a warning to the community about any dangerous or extremely dangerous bushfire, particularly one that is burning out of control and poses a threat to human life.

RECOMMENDATION 4.5

The State ensure that the Standard Emergency Warning Signal (SEWS) be used in Victoria to precede each bushfire warning or group of warnings for bushfires that are dangerous or extremely dangerous, particularly for a fire that is burning out of control and poses a threat to human life, subject to appropriate limits on the maximum frequency of use.

RECOMMENDATION 4.6

The State invite commercial operators to enter into a Memorandum of Understanding (MOU), similar to its MOU with the ABC, on the dissemination of bushfire warning messages and the use of the Standard Emergency Warning Signal by those operators.
RECOMMENDATION 4.7

The Office of the Emergency Services Commissioner and the CFA develop guidelines for the use of sirens in communities that decide to use a siren as part of their response to bushfires.

RECOMMENDATION 4.8

The Australian Government, Council of Australian Governments and the State determine whether it is technically possible to implement the second phase of the national telephony-based warning system (that is, the delivery of warning messages to mobile phones based on the physical location of a handset at the time of the emergency) with a view to implementation for the 2009–10 bushfire season.

CHAPTER 5 INFORMATION

RECOMMENDATION 5.1

The Australasian Fire and Emergency Service Authorities Council and the Bureau of Meteorology collaborate with researchers to explore options for the fire danger indices and fire danger ratings including:
- an additional fire danger rating beyond ‘Extreme’;
- adjusting the existing fire danger ratings to correspond to higher Fire Danger Index values; and
- developing a revised fire severity scale for use in bushfire warnings based on new fire danger ratings.

RECOMMENDATION 5.2

The Bureau of Meteorology include the Forest Fire Danger Index and the Grass Fire Danger Index in its fire weather warnings and general weather forecasts on its website and in material distributed to the media.

RECOMMENDATION 5.3

The State ensure that a single, multi-agency portal for bushfire information be established that uploads information simultaneously to both CFA and DSE websites.

RECOMMENDATION 5.4

The State ensure that the single multi-agency portal for bushfire information be designed to allow Incident Control Centres to directly post information and warnings.

RECOMMENDATION 5.5

The State ensure the Victorian Bushfire Information Line is funded to enable it to provide greater surge capacity during extreme events and to improve the efficiency of its internal information function.
EXECUTIVE SUMMARY

CHAPTER 6 RELOCATION

RECOMMENDATION 6.1

The State amend the State Emergency Response Plan so that the word relocation is used in preference to the word evacuation (except in cases where evacuation is clearly more appropriate).

RECOMMENDATION 6.2

The CFA amend its policy Advice to the Community Before and During Wildfire to enable trained CFA personnel to recommend to particular households, communities or locations that they plan to leave early, based on an assessment of defendability, the vulnerabilities of the people there, and the degree of ease with which people are able to leave the area in relative safety.

RECOMMENDATION 6.3

The CFA and DSE amend operational policies to require the Incident Controller to assess whether relocation should occur and to recommend relocation when warranted.

RECOMMENDATION 6.4

Municipal councils review their Municipal Emergency Management Plans to ensure there is appropriate provision for relocation during bushfires, in particular, to indicate the location and arrangements associated with designated emergency relief centres.

Source: AAP Image
CHAPTER 7 STAY OR GO

RECOMMENDATION 7.1

The CFA revise the publications and programs by which it communicates with the community about preparing for bushfires and what to do in the event of a bushfire to:

- reinforce existing advice that community members should prepare, and decide, well before a fire occurs, whether to leave early or stay and defend their homes; and
- clearly convey the following principles:
  - the safest option is always to leave early rather than to stay and defend,
  - not all homes are defendable in all circumstances and householders are advised to undertake an individual assessment of defendability,
  - unless a property is defendable the advice is to leave early,
  - the impact of topography, fire weather and fire intensity on defendability should be factored into household assessments,
  - the risks of staying to defend include the risk of physical injury and death,
  - contingencies are needed as the best-made plans may fail,
  - even if a plan is to stay, preparations to enable leaving should also be made, including the preparation of a ‘relocation’ kit specifying the location of designated community fire refuges,
  - there could be psychological impacts of staying to defend a property,
  - it is inadvisable for children to be present during the defence of properties,
  - practical steps are needed to protect the vulnerable. Families with young children, older people, and disabled people are advised to plan for early relocation,
  - advice on triggers for when to leave to incorporate the need for flexibility, the dangers of leaving late and the undertaking that a warning may not be received, and
  - advice in relation to the policy specifically targeted to urban communities on the urban/rural interface.

RECOMMENDATION 7.2

The CFA consider the means of providing individual advice to residents in bushfire prone areas, as to the defendability of their homes.

RECOMMENDATION 7.3

The CFA ensure its members are fully trained as to the changes to the advice to the community set out in Recommendation 7.1.

RECOMMENDATION 7.4

The CFA train facilitators and educators and ensure manuals, brochures and other materials are enhanced to incorporate changes to the advice to the community in relation to the ‘stay or go’ policy and the changes recommended elsewhere in this report.

RECOMMENDATION 7.5

The State and its agencies implement an advertising and awareness campaign on the changes to policy and practices as set out in this report, such as the Standard Emergency Warning Signal, telephony-based warning system, use of sirens by local communities, refuges and relocation.
EXECUTIVE SUMMARY

CHAPTER 8 RISK AND REFUGE

RECOMMENDATION 8.1
The CFA report to the Commission on the outcome of the trials of the Victorian Fire Risk Register and progress with its implementation.

RECOMMENDATION 8.2

RECOMMENDATION 8.3
The CFA give priority where possible to provide resources to assist in the defence of designated community fire refuges and neighbourhood safer places at times when they are likely to be in use.

RECOMMENDATION 8.4
The State replace the 2005 Fire Refuges in Victoria: Policy and Practice following its current review by the Office of the Emergency Services Commissioner.

RECOMMENDATION 8.5
The State promulgate criteria for the identification and operation of neighbourhood safer places, and involve councils and local communities in their development and implementation as appropriate.

RECOMMENDATION 8.6
The State to have commenced progressively identifying, establishing and advertising designated community fire refuges and neighbourhood safer places, giving priority to areas where bushfire risk is identified as high.

RECOMMENDATION 8.7
Municipal councils record the location of designated community fire refuges and neighbourhood safer places in Municipal Fire Prevention Plans and Municipal Emergency Management Plans, and inform residents and visitors about their use and location.

RECOMMENDATION 8.8
The State to have developed uniform signs for designated community fire refuges and neighbourhood safer places in Victoria.

RECOMMENDATION 8.9
The CFA maintain an up to date, state-wide list showing the precise location of all designated community fire refuges and neighbourhood safer places, and provide the list to DSE, Victoria Police, the State Emergency Service, the Municipal Association of Victoria, the Office of the Emergency Services Commissioner, and the Victorian Bushfire Information Line.

RECOMMENDATION 8.10
The State report to the Commission on the results of the implementation and effectiveness of its township protection plan program and neighbourhood safer places program.
RECOMMENDATION 8.11
The Department of Education and Early Childhood Development complete a review of all refuges in all schools in areas at risk of bushfire.

RECOMMENDATION 8.12
The Department of Education and Early Childhood Development give priority to rectification works to refuges identified in the Victorian Managed Insurance Authority report.

RECOMMENDATION 8.13
The Department of Education and Early Childhood Development review the adequacy of bushfire fire protection measures in children’s services facilities including kindergartens, child care centres, preschools and early learning centres.

CHAPTER 9 INCIDENT MANAGEMENT: A CASE STUDY

RECOMMENDATION 9.1
The State ensure that State Duty Officers of the CFA and DSE be given direct responsibility for ensuring pre-designated level 3 Incident Control Centres within their respective control are properly staffed and equipped to enable immediate operation in the case of a fire on high fire risk days.

RECOMMENDATION 9.2
The CFA and DSE agree procedures to ensure the most experienced, qualified and competent person is appointed as Incident Controller for each fire, irrespective of the point of ignition of the fire.

RECOMMENDATION 9.3
The CFA and DSE ensure that where a level 3 Incident Controller or officer of equivalent ranking is satisfied that a bushfire warning is required, then such Incident Controller is authorised to release a warning where the designated Incident Controller is temporarily unavailable.

RECOMMENDATION 9.4
The State amend the Country Fire Authority Act 1958 to provide that the Chief Officer has responsibility to issue warnings and provide information to the community concerning the risk of bushfires.

RECOMMENDATION 9.5
The CFA effect a standing delegation of the responsibility for providing information and issuing warnings to the DSE Chief Fire Officer where a fire is directed to be under the control of a DSE Incident Controller.
EXECUTIVE SUMMARY

CHAPTER 10 EMERGENCY MANAGEMENT

RECOMMENDATION 10.1
The State amend the State Emergency Response Plan:
- so the control agency for a fire is responsible for issuing and communicating warnings; and
- to remove from emergency response coordinators the responsibility of ensuring the control agency gives consideration to alerting the public to dangers and potential dangers arising from an emergency.

RECOMMENDATION 10.2
The State revise the Emergency Management Manual Victoria consistent with the interim report recommendations in relation to the ‘stay or go’ policy, warnings and relocations.

RECOMMENDATION 10.3
The State settle the higher level emergency management and coordination arrangements that will apply during the bushfire season, noting that the Commission intends to take evidence on longer-term arrangements during its 2010 public hearings.

RECOMMENDATION 10.4
The State report to the Commission on the outcome of the current review by Victoria Police of the State Emergency Response Plan.

RECOMMENDATION 10.5
Victoria Police, in consultation with CFA and DSE, review the guidelines for the operation of roadblocks during bushfires, including how to:
- formulate the terms of a discretion to police on roadblocks to allow entry to:
  - residents returning to their homes;
  - people delivering relief and aid to residents and to animals;
  - essential services crews; and
- expedite the exercise of the discretion in favour of persons able to establish their bona fides.

RECOMMENDATION 10.6
The CFA and DSE amend operating protocols to ensure that when an Incident Controller requests Victoria Police establish a roadblock to an area threatened by a bushfire, the Incident Controller simultaneously issues a bushfire warning to residents of that area.
CHAPTER 11 COMMONWEALTH RESPONSE

**RECOMMENDATION 11.1**

The Commonwealth facilitate discussions between relevant Commonwealth agencies (including Emergency Management Australia, Defence, Defence Imagery Geospatial Organisation and Geoscience Australia) and state and territory fire services to identify ways in which Commonwealth resources might be applied more rapidly and effectively during extremely dangerous bushfires, including investigating the potential for these resources to be used for detecting, tracking and suppressing bushfires.

**RECOMMENDATION 11.2**

The Commonwealth, through Emergency Management Australia, provide briefings at least once a year to state and territory agencies regarding arrangements available (including through Defence) to support jurisdictions during disasters and emergencies, including bushfires. State and territory representatives should advise relevant Ministers and the Chief Officers of emergency services (including fire services) of the outcomes of these briefings.

CHAPTER 12 EMERGENCY CALLS

**RECOMMENDATION 12.1**

The Office of the Emergency Services Commissioner formally advise the Emergency Services Telecommunications Authority and Telstra Triple Zero of forecast severe fire risk days and particularly days where there is a risk of extremely dangerous bushfires.

**RECOMMENDATION 12.2**

The State ensure the Emergency Services Telecommunications Authority (ESTA) is funded to provide greater surge capacity during extreme events, including establishing additional work stations for fire calls at ESTA centres.

**RECOMMENDATION 12.3**

The State further promote, through the Council of Australian Governments, more effective emergency call service arrangements throughout Australia.