

Australia: Victorian government attempts to pre-empt findings of bushfire investigation

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In an extraordinary political manoeuvre, Victorian premier John Brumby has moved to pre-empt potentially damaging findings by the state's royal commission into the February 7 "Black Saturday" bushfires. The fires destroyed more than 2,000 homes and claimed the lives of 173 people—almost quarter the total number of bushfire deaths in recorded Australian history.

The royal commission concluded the first stage of its inquiry on July 6 and will issue an interim report on August 17. During the past two months it has taken testimony from more than 80 people and received over 300 submissions. Many have exposed the failure of the state government's policies and emergency warning systems.

In particular, witnesses have indicted the "stay or go" policy, which places responsibility on individuals in bushfire-prone areas to determine whether to remain at their homes and fight approaching fires or evacuate the area. The policy depends on accurate and timely emergency warnings being given. This failed to occur in many areas on February 7.

The evidence presented to the commission thus far has revealed a systemic breakdown of emergency services, bound up with lack of funding and personnel, and a regime in which nobody has a statutory authority to warn residents of approaching bushfires (see: "Australian bushfire royal commission: Survivors expose 'stay or go' policy").

Immediately after the "Black Saturday" tragedy, Premier Brumby declared that the fire investigation

would be a "commission for the people" and "leave no stone unturned". But last week he effectively repudiated these empty promises.

On July 3, a day before the first-stage hearings were to conclude, Brumby called a late afternoon media conference and issued a press release entitled "Key Changes to Improve Summer Bushfire Safety".

The statement contained minor policy modifications that the premier claimed were necessary for this year's bushfire season. Its real purpose was to divert attention from the testimony provided to the commission, defend the "stay or go" policy, and rule out the establishment of refuges in fire-prone areas. Instead of refuges, the government will investigate the establishment of so-called "neighbourhood safer places".

Brumby also used the press conference to defend Country Fire Authority chief Russell Rees, who has come under sharp criticism in the commission for his role on February 7. Calls have been made, including in the *Age* newspaper, for Rees's dismissal. Brumby said no action would be taken against the fire chief.

Earlier that day, Allan Myers QC, representing state government agencies, told the commission that its interim report should not issue any "findings of fact" on Rees because all evidence had not been heard. Nor should it include anything that might have "an adverse impact on the recruitment and retention of volunteer firefighters".

In addition Myers told the commission that "findings of fact" about inadequate warnings should not be made, and the phrase "breakdown in communications" should

not be used. The report, moreover, should not propose any measures that could not be implemented before the next fire fighting season. This would “raise expectations that can’t be met” and lead “to unhappiness and frustration”.

On July 6, counsel assisting the commission, Jack Rush QC, declared that the premier’s press release was “totally unreasonable”, because the issues raised in it were “fundamental to the evidence in the Royal Commission”. He told the commission: “Any recommendations that the commission will make will, in effect, lack any form of force if the State of Victoria is out on a frolic of its own.” He asked that Brumby or Emergency Services Commissioner Bruce Esplin be ordered to appear at 2 p.m. that day.

The commission later proposed that the government explain its “town protection plans” and “neighbourhood safer places” in a written submission by 4 p.m. on July 10.

Kerri Judd, representing the state government, admonished Rush, claiming that it was “grandstanding” to suggest that Brumby or Esplin give evidence. Brumby later denounced suggestions that he had acted out of turn, stating what he had done was “entirely appropriate”.

The terse exchanges reflect growing tensions over the future direction of the investigation and increasing government sensitivity over any further exposure of its bushfire emergency response.

Contrary to government claims that “stay or go” saves lives, the evidence has revealed that the policy and the lack of warnings to several key areas were responsible for most of the deaths on February 7. Of the 176 who died, 113 were sheltering in their homes, with eight people killed in one house. The town of Kinglake was the worst hit with 38 deaths, while 34 were killed in Marysville. Strathewen lost 27 of its 200 residents.

“Stay or go” has also been attacked in a yet-to-be released submission from the United Firefighters Union of Australia (UFUA), which represents metropolitan firefighters. The UFUA submission, which was leaked

to the press, calls for the policy to be replaced with one that “actively recommends and assists the evacuation of threatened populations”.

Despite growing calls for measures to ensure rapid and safe evacuations, the government has vociferously defended the “stay or go” policy. Brumby told the July 3 press conference it was “the right policy for our state”. “It is not possible to consider or contemplate a policy of forced evacuation,” he added.

Twenty years ago proposals were made for widespread construction of local fire refuges following extensive investigations into the 1983 Ash Wednesday fires. These plans were never fully implemented and in 2001 the state Labor government refused to indemnify local councils if there were casualties at refuges during fires. Most existing shelters were de-commissioned and only a handful remained.

If this year’s inferno had occurred on a weekday during school hours, hundreds of children would have been killed, because there are no safe fire shelters at schools. But the government is stonewalling on refuges. This is the purpose of Brumby’s claim that the government will “investigate” “neighbourhood safer places”—another way of saying that fire refuges will not be established before this coming fire season and probably not at all.

The commission will not resume public hearings until August 24. Irrespective of its findings, Brumby’s actions over the past week highlight a stark truth: the government’s central concern is to cover up its role, and that of its predecessors, in running down basic fire and emergency services, thus creating the conditions for the “Black Saturday” catastrophe.



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