

# Australia: Government culpability in 2009 Victorian bushfires

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17 May 2010

It is almost 18 months since catastrophic bushfires, the worst in Australian history, swept through the state of Victoria on February 7, 2009, killing 173 people, including 23 children, and incinerating 300,000 hectares and 200 homes. Over the past five weeks the ongoing royal commission into the catastrophe has focused on two key issues—the part played by senior emergency services personnel on “Black Saturday” and the role of the state’s “stay or go” policy in the high death toll. In both areas, evidence has emerged of government negligence and culpability.

Testimony and evidence heard by the royal commission has revealed an effective breakdown within Victoria’s senior emergency services leadership on the day of the bushfires.

Three of the state’s most senior police officers and Minister for Police and Emergency Services Bob Cameron were absent from the Integrated Emergency Co-ordination Centre (IECC) during key periods on Black Saturday. The uncoordinated and chaotic division of responsibilities and functions of senior police and emergency services leadership points to the negligence of the state Labor government of Premier John Brumby. It made no serious attempt to establish clear lines of command and communication inside the IECC prior to the devastating fires.

Most of those who died on February 7, 2009 perished in their homes after receiving no warnings from emergency authorities about the approaching fires. Prior to Black Saturday there was neither a national uniform bushfire warning system nor consistent national standards for message warnings. Triple-0 emergency services were grossly understaffed, resulting in more than 10,000 calls being left unanswered on the day of the bushfires, along with 80 percent of calls to the state’s bushfire information line. Householders in many fire risk areas had to contact the local ABC radio service for emergency warnings and updates on the fires. Others were totally isolated—before and after the fires.

While all this was occurring Christine Nixon, then the Victorian police chief and head of emergency services, left the IECC at 6 pm to have dinner with friends, despite knowing that people had been killed by major fires which were engulfing communities. Nixon also kept a string of personal appointments earlier that day. She initially told the commission that she had been in constant contact with other senior officials, but subsequent testimony revealed that she had not spoken with her deputy officers or anybody else at the IECC between 6 pm and 9 pm.

Emergency Services Commissioner Bruce Esplin told the commission that Nixon was “in charge” on Black Saturday but

didn’t know why she was not at the IECC on Saturday night.

Deputy Police Commissioner Kieran Walshe claimed that he had been in regular contact with Nixon throughout the day, but later admitted that he hadn’t spoken to the police commissioner until 9.45 pm that night. Neither Walshe nor assistant commissioner Stephen Fontana, both delegated by Nixon, was at the IECC when Victorian Police and Emergency Services Minister John Cameron finally arrived there just before 9 pm on Saturday night. Cameron testified at the royal commission on May 7, the first state government minister to do so since hearings began in early 2009. He said that he had spent much of Black Saturday protecting his own rural property.

Questioned by counsel assisting the commission, Jack Rush QC, Cameron was unable to explain exactly who was in charge of the state’s emergency response to the fires. He was unaware that under Victorian law the minister is the coordinator-in-chief of emergency management and the chief commissioner of police his deputy.

Rush asked Cameron whether there was “any structure in place that you understood to be in place where Ms Nixon, Ms Walshe, or Mr Fontana would be on duty in an active position to make active decisions between 6 pm and 9 pm.” The minister answered “no”.

These latest revelations follow the testimony last year of Country Fire Authority (CFA) chief Russell Rees who was at the control centre on Black Saturday. Rees did not become actively involved in operational issues at the centre, and was unaware of maps that had been produced by Melbourne University forestry and fire modelling scientist Dr Kevin Tolhurst and two other mapping experts working at the IECC on the day of the fires. The maps predicted the paths of the Kilmore East and Murrundindi fires, which killed over 100 people. Rees did not find out about the maps or act on their predictions because, he told the commission, no one had a statutory responsibility to warn the threatened towns.

Rees had been previously praised by Victorian premier John Brumby and reappointed as CFA chief in 2009 for another two years, but resigned his position late last month, just before making a final appearance at the commission.

The disorganised and complacent responses of Cameron, Nixon and Rees to the Black Saturday fires did not merely reflect individual negligence. The absence of any functioning emergency response leadership was another expression of the failure of successive Labor and Liberal governments to establish a planned, coordinated, and properly resourced series of bushfire emergency

preparation and response measures.

Victoria is one the most bushfire-prone regions in the world, but there was no effective collective evacuation plan, funding for adequate road and transport systems was grossly inadequate, and communications technology and other emergency infrastructure proved absent or ineffective. All this was the direct outcome of the pro-market program developed over the last two decades; funding for social infrastructure and public services has been gutted across the board, while privatisation and the imposition of the “user pays” principle have seen almost every aspect of social life opened up to the dictates of the profit system.

The official “stay or go” emergency bushfire policy developed seamlessly in this context. Under the policy, individuals are left to determine their own response to approaching bushfires: they are supposed to either evacuate the area well before the fires arrive, or stay and execute their own fire-fighting plans. “Stay or go” effectively absolved government authorities of any responsibility for evacuating threatened residents.

Evidence presented to the commission by emergency response experts over the past month has exposed the tragic consequences of this policy.

Professor John Handmer, a disaster management expert from RMIT’s Centre for Risk and Community Safety, has made a detailed investigation into the Black Saturday fatalities. He told the hearing that 58 percent of those who died had not made any preparations to defend their homes. But more than 20 percent of those killed had followed CFA policy and were “well prepared”. The definition of “well prepared”, however, consisted of having a water supply and mops and buckets to use as firefighting equipment. Handmer admitted that the policy relied on ordinary citizens being mentally and physically equipped to handle situations that even experienced firefighters may not be able to deal with.

Harvard University emergency management specialist, Professor Dutch Leonard, told the royal commission that “stay or go” could not be judged on what inexperienced citizens “should do” and was an “invitation to a potential disaster”. He said that he taught his students at Harvard that hoping people might do something “does not amount to a policy”.

University of Utah wildfire evacuation expert Tom Cova testified that “stay or go” had “multiple flaws”, and that in most cases evacuation was “far superior” to people staying in threatened homes. Cova said that residents who lacked experience and adequate information should not be placed in a position of determining whether to stay or go.

Professor Paul ‘t Hart from the Australian National University told the hearing that the Victorian government should introduce mandatory evacuations as part of its response to bushfires and similar emergencies. He said while there would always be lingering doubts about whether authorities had over-reacted if people were ordered out pre-emptively, this was far better than if evacuations did not take place and scores were killed.

Despite such testimony the Labor government continues to strenuously defend “stay or go”, albeit with minor modifications. Brumby has insisted, moreover, that he has no intention of establishing emergency evacuation systems. The premier claimed

in the immediate aftermath of Black Saturday that this was “logistically impossible”. Demands for placing electricity powerlines underground in national parks and other bushland areas have been rejected out of hand by the government as “too expensive”, as have calls for significant increases in the number of fire-fighting personnel and the construction of genuine fire safety refuges to protect people in fire-prone areas.

Since Black Saturday, only 45 additional project fire-fighters have been hired while a recently introduced national bushfire-warning system that includes “code red (catastrophic)” warnings has been denounced by bushfire scientists as a knee jerk response, with little scientific input.

Last month it was also revealed that the CFA’s emergency paging system for firefighters was substandard and only running at 20 percent capacity. This was due to the state government’s refusal to fund the construction of transmitters necessary to eliminate black spots across the state. The result was a huge backlog on Black Saturday, with many messages delivered hours late, in some cases 12 hours after they were sent.

The commission is due to release its final report on July 31. No indication has been given that the state premier will be summoned to give evidence about the state government’s catastrophic policies. Whatever the final recommendations, the essential issue raised by the bushfire disaster—the incompatibility of the profit system with the provision of the emergency services and social infrastructure necessary to prevent needless loss of life—will remain unaddressed.

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