

Australia: Bushfire inquiry submissions criticise government policy

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Last week's final submissions from counsel assisting the Victorian royal commission into the February 7, 2009 bushfires are an indictment of the state Labor government's bushfire policy and the role played by leading emergency services officials.

The "Black Saturday" disaster killed 173 people, most of whom received no warnings from emergency authorities about the approaching fires. There was no uniform bushfire warning system and no emergency services chief was responsible for ensuring that communities were warned of the danger. Triple-0 telephone emergency services were so understaffed that more than 10,000 calls went unanswered, along with 80 percent of calls to the state's bushfire information line. Public fire refuges were non-existent.

Counsel assisting the commission, Jack Rush QC, strongly criticised the "stay or go" policy, as the official bushfire procedure is commonly known. Under this plan, residents are left to determine their own response to approaching blazes: they are supposed to either evacuate well before the fire arrives, or stay and implement their own fire-fighting plans.

Rush said "stay or go" had failed and "unnecessarily exposed people to risk" because of its "lack of options; the removal of [fire] refuges; [and] the downplaying of the significance of warnings". The policy should be replaced, he said, with one that ensured the evacuation of threatened communities and provided public fire shelters if evacuation were not possible.

Rush called on the state government of Premier John Brumby to make "a plain and open acknowledgment" of the policy's failures. He bluntly criticised the government for not making any substantive changes following the

royal commission's interim report last year, instead of simply "tinkering with the existing framework".

The legal counsel also told the commission that evidence had shown that "proper and effective leadership was absent" on Black Saturday.

"The evidence," Rush said, "leaves a sense of bewilderment at what can reasonably be described as a lamentable lack of responsibility and leadership from the most senior personnel involved in fire and emergency response on February 7. It is unacceptable... that at the height of the fire and emergency, as people sought refuge in CFA [Country Fire Authority] sheds, at ovals on main streets, as others fought, many in vain, to save themselves and their families, that those at the apex of the legislative structure in this state were not present, actively on duty, exercising and showing leadership by their presence at this critical time.

"This removal of responsibility and accountability is heightened by the fact that there was clear knowledge of the disaster that was to come. ... [No] excuse or spin can justify what we say is a removal from responsibility at the very hour of crisis," Rush said.

Rush's comments were directed against former state police commissioner and head of emergency services Christine Nixon and CFA chief Russell Rees.

Nixon kept a series of personal appointments on Black Saturday and was absent from the Integrated Emergency Coordination Centre (IECC) between 6 p.m. and 9 p.m., despite being informed that the fires had killed a number of people. She was not in contact with other officials during that time.

Rees did not take any responsibility for warning threatened communities. He was oblivious to maps that had been drawn up in the IECC on Black Saturday predicting the path of the Kilmore East fire, which killed over 100 people. Police and Emergency Services Minister Bob Cameron spent much of the day protecting his own rural property and did not come to the IECC before 9 p.m.

Rush criticised the fact that neither Cameron nor Nixon considered advising Premier Brumby to declare a state of disaster, which would have cleared any legal obstacles to the evacuation of threatened residents.

While the response of the senior emergency service leadership was grossly inadequate, their reaction cannot be separated from the government's overall policy. If Nixon, Rees and Cameron did not feel the weight of responsibility, it was because the government as a whole had divested itself of responsibility and placed the onus on individuals to draw up their own fire plans.

The official literature promoting "stay or go" was based on the slogan, "People protect houses, houses protect people". That advice led to a disastrous loss of life. Of the 173 who died, 113 lost their lives sheltering in their homes.

The "stay or go" policy and other free-market measures have been progressively introduced over the past two decades, placing increasing burdens on individuals and local communities to defend their homes and lives.

Instead of building fire shelters, successive state governments—Labor and Liberal alike—decommissioned existing refuges, even though reports produced in the aftermath of major fires in 1983 specifically called for such shelters. Governments also cut the numbers of professional firefighters, and refused to provide adequate equipment and manpower for a modern bushfire emergency service, or transport and road services for safe evacuations. Taken together, these policies ensured that the terrible loss of life on Black Saturday was inevitable.

Notwithstanding Rush's damning submissions, barristers representing the state government rejected the criticisms out of hand. Calling on the royal commission to make no recommendations against "stay or go," Neil Clelland SC justified the policy unreservedly and insisted that before February 2009 it was regarded as the "appropriate policy for the whole of Australia".

Alan Myers QC attacked Rush over his comments on the emergency services leadership, cynically declaring that it was "primitive" to single out individuals. Myers said this could undermine morale in the fire agencies and there should be "no controversy" attached to the royal commission's recommendations. The issues of leadership, he insisted, were not the business of the commission.

CFA chief Rees was represented by Julian Burnside QC, who claimed it was "unfair" and "absurd" to suggest that senior officials had a duty "to ensure a particular outcome during a catastrophic crisis". This is a verbal sleight of hand. Rees may not have been able to ensure "a particular outcome" but that does not absolve him from his general responsibility to provide leadership in avoiding the loss of life.

Early last week Premier Brumby told radio 3AW that the royal commission had been established to "minimise and hopefully eliminate any loss of life" in future major fires. Brumby, who has consistently defended Nixon, Rees and Cameron, insisted that the investigation was not "about scapegoats or witch-hunts or being obsessed with the past".

With the state government facing an election in November, Brumby will undoubtedly make some changes and adjustments following the royal commission's final recommendations which are due on July 31. But as is demonstrated by the Labor government's response to the interim report, it will not alter the pro-market basis of its policies that was responsible for turning the 2009 fires into a tragedy.

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