

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION**Letters Patent issued 16 February 2009****SUBMISSIONS OF THE STATE OF VICTORIA – OVERVIEW**

Date of Document: 1 February 2010
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A. Background

1. On 7 February 2009, the worst bushfires in Australia's history devastated Victoria, causing the death of one hundred and seventy three people, untold trauma and displacement and the destruction of countless homes, businesses, community facilities and infrastructure across the State.
2. In the wake of this catastrophic natural disaster, the Victorian Government established the 2009 Victorian Bushfires Royal Commission to inquire into the causes of and responses to the bushfires that swept through the State in late January and early February 2009. The Commission has been given broad powers to investigate and report on the circumstances of the fires; and to make recommendations on improving the preparation for, and response to bushfires.
3. In the course of these investigations, the Commission has undertaken a 'fire by fire' analysis of each of the major fires; Beechworth-Mudgegonga, Churchill, Kilmore East, Murrindindi, Horsham, Pomborneit, Narre Warren, Cranbourne, Upper Ferntree Gully, Bunyip, Delburn, Redesdale, Bendigo and Coleraine. This overview contains, in broad terms, the State's response to the key thematic issues raised in Counsel Assisting's submissions in relation to the individual fires and their recommended findings. A more detailed response to each of Counsel Assisting's submissions is provided in the State's responses to those submissions.

B. Preparedness

4. The Commission has heard a considerable amount of evidence concerning the unprecedented nature of these fires and the weather conditions that fuelled them, both in the analysis of the individual fires and more generally. The evidence has comprised all manner of accounts: factual reports from experienced meteorologists and seasoned career fire fighters to compelling tales from those that defended threatened homes or fled from flames that devoured everything in their path. The tenor of this evidence has been unequivocal; 7 February 2009 was like no day that had gone before.
5. Many of the witnesses before the Commission have described extraordinary conditions: the State's protracted drought and tinder dry forests, the scorching heat, the blasting wind. Fires moved faster, spotted further, burned more unpredictably and roared more loudly than any they had ever seen or experienced before. The terrible conditions of that February day and the long drought and exceptional heatwave which preceded it are not in dispute.
6. Victoria is one of the most bushfire prone environments in the world and over the past decade has seen a substantial increase in the number, size and severity of bushfires. This resulted in the State of Victoria undertaking a significant increase in preparations in advance of the fire season.
7. Planning and preparation for the possibility of bushfires in the 2008/2009 fire season began well in advance of the beginning of the fire season on 27 October 2008. Early preparations included extensive planned burning, with over 500 planned burns having been conducted between March 2008 and December 2008.
8. In response to the extreme weather forecast for 7 February 2009, from 4 February 2009 onwards the State significantly increased its planning and preparation for the possibility of major fires. Numerous high level intra and inter-agency meetings and briefings were held to manage operational planning and preparedness and the communication of information and warnings to the community. The operational preparations undertaken by the State in the lead up to 7 February 2009 included the early establishment and additional resourcing of the Integrated Emergency Coordination Centre, the procurement of additional aircraft, the positioning of strike teams in high risk areas, the making of arrangements for crews to be on stand-by,

the organisation of pre-formed Incident Management Teams consisting of both CFA and DSE/Networked Emergency Organisation personnel, and the pre-positioning of these IMTs at strategic Incident Control Centre locations, including Traralgon, Epsom, Gisborne, Ballarat, Bairnsdale, Pakenham, Benalla, Ovens/Beechworth and Alexandra.

9. The State and its fire agencies used the media and website alerts in the lead up to Black Saturday, to inform and warn the Victorian community of the risks posed by the unprecedented and dangerous conditions being forecast for 7 February. The joint press conference held by the CFA, DSE and MFB fire chiefs, and the Emergency Services Commissioner and numerous media releases and briefings, television and radio interviews, community meetings, website alerts, print media articles and public messages, by which that information and warnings were conveyed have been detailed in evidence given to the Commission by the State's most senior fire officers.

C. Planning for the future

10. As the Royal Commission is aware, the State supported all recommendations made by the Commission in its first Interim Report. The State's Implementation Plan detailed how and when it would implement all 51 of those recommendations. The State has appointed former Chief Commissioner of Police, Mr Neil Comrie AO APM, to monitor government departments and agencies as they implement the recommendations. The State will also provide the Royal Commission with a delivery report in March 2010. The State will continue to consider and act on evidence before the Royal Commission and recommendations made by the Royal Commission. The State is committed to ensuring that Victoria is as prepared as possible for future bushfires.
11. Despite the extensive preparations, and the tireless efforts of its emergency services, it is clear from the evidence presented to this Commission, particularly in the course of the fire by fire analysis, that the extreme conditions of 7 February 2009 tested Victoria's bushfire preparedness to the greatest possible extent. The existence of very large fast moving fires in multiple locations across Victoria, in such unprecedented and extraordinary conditions, did expose weaknesses in the State's response. It is acknowledged that what transpired on that day, and the

days that followed, uncovered shortcomings in the systems used to manage and control bushfires in this State when placed under such extreme pressure. It showed that as a State and a community, we must make improvements to the way we plan for and respond to this threat.

12. The evidence before the Commission has already highlighted areas in which systemic improvements can and must be made to Victoria's emergency management arrangements.
13. Work to implement these improvements has already begun and is outlined in the Implementation Plan and will be further detailed in evidence to be given by the State later in the year. The State has introduced a range of policies and initiatives designed to improve its ability and the community's ability to prepare for, respond to, and recover from bushfires. These measures range from the fine tuning of operating procedures to major policy initiatives involving substantial investment in infrastructure and resourcing. Some of those initiatives most relevant to the issues raised in the evidence and highlighted in the submissions of Counsel Assisting include:
 - (a) The review of the State Emergency Response Plan (**SERP**), and the introduction of revised interim command, control and coordination arrangements to ensure a clear and effective command and control structure is in place to respond to emergency events;
 - (b) The establishment of a State Control Centre (**SCC**) (to replace the former Integrated Emergency Coordination Centre) and the upgrade of the facilities at both the SCC and Level 3 Incident Control Centres across the State to improve operational capacity and functionality;
 - (c) The development of improved predictive tools and the training of more fire behaviour analysts, ground observers and predictive services officers to assist in the protection of the community and fire fighters;
 - (d) The improvement in communication between fire agencies, including the linking of some DSE, CFA and ESTA communications systems, and the review and development of joint Standard Operating Procedures across agencies;

- (e) The deployment by CFA and DSE of 'preformed' Level 3 Incident Management Teams to strategically located ICCs, on days of high bushfire risk, and the training of more staff with Level 3 accreditation;
- (f) The introduction of policy initiatives to upgrade the equipment, resources and staffing of the fire agencies, including the trial of a very large aircraft (DC-10-30) for use in fire fighting operations; and
- (g) The introduction of revised *Guidelines for the Management of Traffic Management Points during Wildfires* to improve traffic management and access arrangements in the vicinity of a bushfire;
- (h) The various initiatives to improve the accuracy and timeliness of information and warnings provided to the community about bushfires - including the OSOM (One Source One Message) tool which allows information and warnings to be entered from the ICCs and appear concurrently on the CFA and DSE websites, the adoption of the new national Fire Danger Ratings, the first phase of Emergency Alert (the electronic delivery of warning messages to fixed and mobile telephones), new guidelines regarding the use of the Standard Emergency Warning Signal, enhancements to the Victorian Bushfire Information Line and CFA/DSE websites and new arrangements for the broadcast of emergency information by the media.

D. Guiding Principles

- 14. It is important that the efforts of the thousands of volunteers and career staff who were involved in the State's emergency response to the fires, the planning and preparations in advance of the fire season and recovery operations are recognised and commended. The fact that all but a few of the hundreds of fires that were reported on Black Saturday were brought under control is testament to the skill, determination and commitment of Victoria's emergency services – both paid and volunteer.
- 15. The State relies heavily on volunteer fire fighters and other emergency service personnel to prepare for and manage bushfires, including those staff of the CFA,

DSE and its partners in the Networked Emergency Organisation who volunteer for both active fire fighting and support roles during the fire season.

16. The State notes that many of those involved in the State's response to the fires, both those on the fire ground and those in ICCs and the IECC were affected physically and emotionally by these fires. The State urges the Commission to take care not to add to the distress suffered by emergency service personnel. While the Commission must be rigorous in finding and examining systemic failures, it should exercise great caution in making adverse findings against individuals, or even naming individuals in a negative context when narrating facts.
17. The State also notes that the Commission intends to hear further evidence or submissions in relation to a number of 'systemic issues', including electricity, the staffing of incident management teams, information and record keeping, fire fighter safety, the deployment and tracking of fire fighting resources and road blocks. The State submits that it is not appropriate for the Commission to make findings in relation to these issues until such time as it has heard all relevant evidence.
18. Finally, in his opening address to this Commission, Senior Counsel Assisting the Commission stated that the approach adopted by Counsel Assisting was not to 'attribute blame or fault' but to investigate the circumstances and impact of the fires and bring into existence practical recommendations and procedures that will assist in the saving of lives. The State agrees that a forward looking approach, focused on practical measures, better systems and cultural change is the right approach for this Commission.

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Dated: 1 February 2010

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