



2009 Victorian Bushfires Royal Commission

Letters Patent issued 16 February 2009

Response of the Municipal Association of Victoria (“MAV”) and 77 Municipal Councils to the Submissions of Counsel Assisting on the Fires

- 1 MAV and the Councils welcome the opportunity to respond to the Submissions of Counsel Assisting on the Fires.
- 2 MAV and the Councils note the comments in relation to Councils and municipal emergency management in the submissions on the various fires. In many instances, Councils are commended for their emergency planning and their preparedness for and response to the fires.
- 3 No response or comment by the MAV and the Councils is necessary in relation to Counsel Assisting’s submissions in respect of the following fires:
 - Delburn Complex of fires;
 - Kilmore East fire;
 - Horsham fire;
 - Coleraine fire; and
 - Pomborneit (Weerite) fire.
- 4 However, there are certain statements made and conclusions drawn in the remaining submissions, especially in relation to the role of Councils in respect of emergency planning and management and evacuations, that require comment. These comments are set out below.
 - A. **Narre Warren, Cranbourne & Upper Ferntree Gully fires**
- 5 The reference in the second sentence of paragraph 9.12 of the submissions in relation to the Narre Warren, Cranbourne & Upper Ferntree Gully fires should be to the ‘MERC’ and not to the ‘MECC’.



B. Beechworth and Mudgegonga fire

MECC Central

6 The statement of the Municipal Emergency Resource Officer (“**MERO**”) at Alpine Shire Council, Andrew Taylor, was tendered in evidence at the Commission hearings.¹ Mr Taylor was not called to give evidence. At paragraphs 38 to 44 of his statement, Mr Taylor outlines an innovative software program called MECC Central which is used by the Alpine Shire Municipal Emergency Co-ordination Centre (“**MECC**”).

7 The advantages of the software system, as outlined by Mr Taylor, include that MECC Central:

- establishes an electronic trail for each request received by the MECC so that actions and updates for each request can be tracked to ensure that the request has been met;
- enables access by all relevant agencies to a central repository for requests and actions to those requests. The ability of all agencies to view this information provides a useful snapshot of the events during an emergency, and reduces the risk of confusion and duplication in responses to requests;
- enables instant access by the relevant agency to a request, without the risks associated with faulty phone lines; and
- may be accessed remotely by a password. Once it is activated, a text message is sent to all those who hold the password informing them of the activation of the MECC, and enabling them to then log on.

8 Further refinements proposed to the system include a searchable phone book.

9 The software has cost over \$20,000 to develop and it was initially funded by a Victorian Government grant. The Commission may consider that it is worth mentioning such an innovation, just as Counsel Assisting has mentioned the value of the video link between the Latrobe City Council MECC and the ICC, and the portable MECC used in Cardinia Shire.

Role of the MECC

10 At paragraphs 9.6 and 9.7, Counsel Assisting refer to certain issues raised by the evidence of Andrew Taylor, including the lack of an ICC liaison officer at the Ovens MECC and the failure to follow protocol in relation to requests to the MECC which resulted in difficulty in

¹ WIT.4002.001.0001



obtaining information about the fires and not being able to respond to requests as efficiently had the requests come directly from the ICC.

- 11 Effective communication between MECCs and ICCs is important. Initiatives and measures that improve the flow of information from ICCs to MECCs, in particular ICCs ensuring that liaison officers are provided to MECCs, should be encouraged. In this regard, it is noted that Counsel Assisting has mentioned the value of initiatives such as those mentioned in paragraph 9 above.

C. The Murrindindi Fire

Introduction

- 12 The submissions of Counsel Assisting in relation to the Murrindindi fire propose that the Commission make certain findings in respect to three aspects that touch on Murrindindi Shire Council's role in emergency response to bushfires. The three areas are:

- emergency planning and management through the Municipal Emergency Management Plan (“MEMP”);
- the dissemination of warnings; and
- Council's role in evacuations in the face of bushfires.

- 13 Overall, the submissions do not appear to properly understand the manner in which the MEMP operates or properly appreciate the role of Councils in emergency planning, management and response to bushfires.

- 14 Consequently, the relevant findings proposed by Counsel Assisting should not be arrived at.

Emergency Management

Fire Prevention Planning and the MEMP

- 15 Counsel Assisting assert at paragraph 13.13(a) of the submission that the Commission should make the following key finding:

“The emergency management planning in place for Murrindindi Shire lacked the substance, detail and precision needed to respond adequately to the events of 7 February. Specifically,



(a) *the Murrindindi Shire MEMP did not include any planning for preventing or responding to the specific risk of bushfire. While the Shire has a Murrindindi Fire Prevention Plan, its development and review is divorced from the Municipal Emergency Management Planning process.”*

16 This proposed finding, and the submissions in support of it (see paragraphs 7.12 to 7.14 of the submission) misunderstands the role of the MEMP and its relationship with the MFPP.

17 At paragraph 7.13, Counsel Assisting assert:

*“In relation to preventing the risk of bushfire, the Murrindindi MEMP refers to the Murrindindi Shire Council’s Municipal Fire Prevention Strategy, as well as to fire prevention plans developed by local CFA brigades, the Alexandra Fire Protection Plan developed by DSE, and to the DSE’s Code of Practice for fire management on public land. **None of these are attached or summarised in the MEMP.** The CFA is identified in the MEMP as the control agency for responding to rural fires and the relevant support agencies are listed. Similarly, the DSE identified in the Murrindindi MEMP as the control agency for responding to a forest fire. **Otherwise the Murrindindi MEMP does not contain any planning for preventing or responding to the specific risk of bushfire.**” [emphasis added]*

18 This is factually incorrect. The Murrindindi Shire Council’s Municipal Fire Prevention Plan (“**MFPP**”) is referred to in the Murrindindi Shire Council’s MEMP. The Murrindindi Shire Council’s MEMP also refers to a number of other resources and guides which together provide a comprehensive municipal response to a bushfire.

19 The MFPP is specifically referred to in Appendix C of the MEMP (which is attached to the statement of Ian Ellett) and is described as “part of the overall MEMP”. The responsible officer for the MFPP is the Municipal Fire Prevention Officer (“**MFPO**”). The MEMP expressly states that the MFPO, in consultation with the Municipal Fire Prevention Committee (“**MFPC**”), is responsible for the MFPP.²

20 The MEMP also refers to specialist fire brigade plans, copies of which are held by the MFPO³ as well as specialist fire plans for Alexandra, and the Melbourne Water Wallaby Creek area, copies of which are held at the Council offices.⁴

² WIT.4006.001.0106

³ WIT.4006.001.0106

⁴ WIT.4006.001.0107



21 Appendix C of the MEMP also contains a flow chart titled “Action Guide for Fire – Land”⁵. The flow chart provides a guide as to the municipal response and support to control agencies in the event of bushfire. This document is not referred to by Counsel Assisting and appears to have been overlooked.

Integration of the MEMP and the MFPP

22 At paragraph 7.14, Counsel Assisting state that the MFPP is the product of the MFPC which is separate from the Municipal Emergency Management Planning Committee (“MEMPC”). The language of the proposed finding at paragraph 13.13 implies that this separation of responsibility by the Council is inappropriate.

23 The MFPC and the MEMPC are different, as they are formed under different Acts and have different purposes. However, co-ordination is achieved through the common membership of certain Council and other agency representatives, and because the product of these committees (the MFPP and the MEMP) are adopted by the Council.

24 Counsel Assisting’s submissions further demonstrate a lack of appreciation of the principles of emergency planning provided by the *Emergency Management Act 1986* (“EM Act”), the State Emergency Management Manual Victoria (“EMMV”), and the State Emergency Response Plan (“SERP”) which is set out in Part 3 of the EMMV.

25 The Murrindindi Shire’s systematic approach to fire prevention planning, and the means by which it is incorporated into the MEMP, is in conformity with the principles of emergency management as set out in the EM Act, the EMMV and the SERP.

26 Councils must plan for a range of emergency issues beyond bushfire. For example, the Murrindindi Shire has identified and rated 28 types of emergencies or hazards which may impact on the Shire.⁶ It is impractical, unrealistic and unnecessary to physically attach each and every specific plan for emergency management to the MEMP. Rather, the EMMV provides that:⁷

*“Plans should consider each type of emergency situation and develop **generic principles and arrangements that can be activated in any event.**” [emphasis added]*

⁵ WIT.4006.001.0110

⁶ WIT.4006.001.058 – 061.

⁷ EMMV, 6-5.



27 The EMMV further recognises:⁸

“Each municipal district in Victoria will face different risks and have different resources, communities and management structures. Councils are free to adapt this planning process to their local circumstances and requirements as long as it delivers the specific outcomes required by the legislation.”

28 The integration of specifically identified risks and treatment with the generic “all hazard” approach to the principles of emergency management is further outlined and demonstrated by figure 6.4 at page 6-16 of the EMMV where it is stated:

“Many identified risks have their own appropriate plan or formalised output according to particular legislation or policy framework. For example, strategies developed to deal with identified public health risks would be documented in the Municipal Public Health Plan and Municipal Public Health Emergency Management Plan. Likewise, strategies to deal with road safety and transport accidents risks would be documented in the Municipal Road Safety Strategy.”

29 Bushfire planning is an example of such a specifically identified hazard strategy. The EMMV recognises that the obligation to plan the management of various risks may arise under different legislation. Consequently, the EMMV expressly recognises at page 6-24 that the *Country Fire Authority Act 1958* (“CFA Act”) requires Councils to appoint an MFPO and to maintain an MFPP. By the model provided at figure 6.4 (referred to above) the EMMV expects Councils to identify and treat that risk specifically but to then incorporate the recognition of the existence of that risk into the generic principles of the MEMP.

30 Significantly in this respect, the EMMV draws upon the safety strategy of the Murrindindi Shire Council as a case study. At page 6-16, the EMMV illustrates the approach to community safety undertaken through the “Safer Murrindindi Safety Plan” as a model approach to safety strategy. It is submitted that the EMMV would hardly use the safety strategy of the Murrindindi Shire if its MEMP was not in accordance with the strategy used in this case study.

31 Just as the EMMV recognises that specific hazards such as bushfire may be identified and treated by specific plans which are then incorporated into the MEMP, it also suggests that the MFPO may serve as a member of the MEMPC.⁹ In this way, the principles of emergency

⁸ EMMV, 6-7.

⁹ EMMV, 6-30. The EMMV also suggests that local representatives of other relevant agencies (.erg DSE, CFA, SES) may sit as members of the MEMPC.



management allow the input of those with specific or specialist hazard management skills to inform the MEMPC.

32 The Murrindindi Shire MEMP accords with all of the model principles of emergency management set out in the EM Act, the EMMV and the SERP. The statement of Ian Ellett sets out that:

- the Council's MFPO, together with representatives of Victoria Police, CFA, SES and DSE (and numerous others) are members of the Murrindindi MEMPC;¹⁰ and
- the following special plans and sub-plans relating to bushfire within the Murrindindi Shire that have been developed by other groups and agencies are referred to in the MEMP as plans which form part of (and thereby inform) the MEMP:
 - the MFPP;
 - the fire protections plans prepared by CFA Fire Brigades that have all or part of their fire district within the Murrindindi municipality;
 - the DSE's fire protection plan covering the Alexandra area;
 - Melbourne Water's fire protection plan covering the Melbourne Water Wallaby Creek area (Kingleake West);
 - the DSE's code of practice for fire management on public land;
 - evacuation and emergency management plans for schools, camps, hospitals, nursing homes and industrial sites in the municipality; and
 - a catering plan prepared by the CFA Alexandra Fire Brigade group.

33 Counsel Assisting have raised the issues contained in paragraphs 7.13 and 7.14 of Counsel Assisting's submissions notwithstanding that the MERO of Murrindindi Shire Council was not called upon to give evidence on these issues and thereby explain the position.

34 The submissions of Counsel Assisting in respect to the approach of Murrindindi Shire to fire prevention planning also appear inconsistent with Counsel Assisting's submissions in relation to the other fires. In almost every instance, municipal fire prevention planning follows the

¹⁰ WIT.4006.001.004 – 005.



same model used by the Murrindindi Shire Council as prescribed by the EM Act, the EMMV and SERP, yet in no other of the submissions are similar criticisms made.

- 35 It should be noted that the Murrindindi Shire MEMP has been audited by the State Emergency Service (“SES”) and was assessed as ‘*Complying fully or more than adequately with the Guidelines*’.¹¹

Integrated Fire Management Planning Framework

- 36 As noted at paragraph 25 above, the Murrindindi Shire Council’s systematic approach to fire prevention planning, and the means by which it is incorporated into the MEMP accords with the principles of emergency management as set out in the EM Act, the EMMV and the SERP as they currently stand.
- 37 It should be noted that under the Integrated Fire Management Planning (“IFMP”) Framework (which is detailed in section 5.1 of the General Submission by Local Government in Victoria lodged by the MAV and 77 Victorian Municipal Councils in May 2009), a number of changes will be made which will strengthen the integration of emergency management planning and fire management planning. For example, the MFPP will be replaced with a Municipal Fire Management Plan (“MFMP”) and this plan will be a sub-plan of the MEMP. The MFMP will also deal with the response to and recovery from fires, not just the prevention of fires as is the case with MFPPs. The IFMP Framework and the State Fire Management Strategy will establish the context for the development of Regional Strategic Fire Management Plans (“RSFMPs”) and MFMPs which should result in greater consistency in planning across the state. The RSFMPs will assist with the setting of priorities and treatment at the municipal level. The MFMP will capture and map current treatments being applied to identified risks by all stakeholders across planning, preparedness, response and recovery.
- 38 However, the MAV would like to see greater sharing of legislative responsibility and accountability amongst the various agencies involved in IFMP. The IFMP Framework, when implemented, needs to ensure all agencies involved in prevention planning and the response to and recovery from bushfires, are appropriately audited and held accountable. As IFMP is currently implemented in the absence of any statutory framework, this results in the necessity for Councils to plan in accordance with the existing statutory framework and the new IFMP framework. The early resolution of this duplication will assist all agencies.

¹¹ WIT.4006.001.0006, 0037 and 0260-0261



Alexandra Emergency Relief Centre

39 At paragraph 7.24, Counsel Assisting, relying on comments made by Marysville resident Mary Kenealy, state that:

“These observations reinforce recommendation 6.4 made in the Commission’s Interim Report, that councils review their Municipal Emergency Management Plans to ensure that there is appropriate provision for relocation during bushfires.”

40 The observations of Mary Kenealy do not appear to justify the proposition put by Counsel Assisting. The Murrindindi Shire did have appropriate provision for the relocation of residents on 7 February 2009. It activated an emergency relief centre (“ERC”) at the Alexandra Secondary College, one of 26 places listed in the Murrindindi Shire MEMP as places within the Murrindindi Shire that can be opened as ERCs during an emergency.¹²

41 At the very most, the comments of Mary Kenealy which Counsel Assisting quote at paragraph 7.24, suggest that any level of chaos was only in the immediate activation of the ERC due to a power outage that affected the whole township of Alexandra. Within approximately two hours of the power outage occurring, generators were brought into the ERC so that lighting and electric fans could be provided.

42 Further, it should be noted that the Murrindindi Shire MEMP has been reviewed and supplemented to take account of recommendation 6.4 made in the Commission’s Interim Report.

Warnings

43 At paragraph 13.17, Counsel Assisting propose that the Commission makes a finding that:

“The dissemination of public information and warnings about the Murrindindi fire did not occur in the manner set out in the Murrindindi MEMP. Information was not released in conjunction with the MERC. The procedure for releasing emergency information to UGFM, set out in Appendix G of the Murrindindi MEMP was not followed. The list of residents needing special consideration in the communication of warnings, kept by Murrindindi Shire, was not used on 7 February 2009.”

¹² WIT.4006.001.0119



44 In the submissions in support of the above finding, Counsel Assisting state at paragraph 8.31:

“It is noticeable that the dissemination of public information and warnings about the Murrindindi fire bore little resemblance to what is said on that subject in the Murrindindi MEMP. Information was not released in conjunction with the MERC. The procedure for releasing emergency information to UGFM, set out in Appendix G of the Murrindindi MEMP, was not followed. The list of residents needing special consideration in the communication of warnings was not used on 7 February 2009. Nor was SEWS used to precede the broadcast of any bushfire warning.”

45 It is not entirely clear whether the submissions and proposed key findings on the subject of warnings are supposed to implicitly criticise the Murrindindi Shire Council. In any event there appears to be little utility in making the proposed key finding.

46 The broadcasts by UGFM referred to in the submissions of Counsel Assisting concern information provided to the radio station by the CFA Alexandra group, the Benalla IFACC and the Alexandra ICC. These represent the control agency and management teams responsible for the response to the fire.

47 The information disseminated by the control agency and management teams was not subject to the procedure referred to in the MEMP. The procedure in the MEMP is concerned with information released by the MERC, who is a member of Victoria Police. Such information may be released by the MERC in consultation with a control agency.

48 In relation to Counsel Assisting noting that the list of residents needing special consideration in the communication of warnings was not used on 7 February 2009 (see paragraph 44 above), again it is not apparent whether this is supposed to implicitly criticise the Murrindindi Shire Council. However, in this regard, it should be noted by the Commission that:

- several Councils, including Murrindindi Shire Council, have lists of residents with special needs (usually elderly residents or Home and Community Care (“HACC”) clients) and are using these internal lists to contact these residents where possible before ‘Code Red’ days to alert them to the forecast weather conditions and to remind them to prepare for such days by contacting relatives or other carers and enacting their fire plans; and
- a pilot training program, in conjunction with the CFA, will commence next month involving the Mornington Peninsula Shire Council and the Surf Coast Shire Council. The aims of this program are to provide HACC assessment staff and community care



workers with training which will raise their bushfire awareness and provide them with information to enable them to inform their clients of the CFA and State Government resources available to assist their clients in fire planning. This training will also involve the Department of Health, the Red Cross and the Rural District Nursing Service.

Evacuation

49 At paragraphs 13.13(b), 13.14 and 13.21, Counsel Assisting propose that the Commission find that:

“13.13(b)The Murrindindi MEMP did not include any plan for the evacuation of Marysville or any other township in the municipality. Emergency management planning did not include detailed planning for the evacuation of locations identified to be at risk of bushfire that made reference to any of the following matters:

- *the particular location*
- *the surrounding topography*
- *the roads on which evacuation might take place*
- *the size and nature of the population*
- *any vulnerable members of the community who need assistance to evacuate*
- *any particular vulnerable sites such as schools or hospitals*
- *any places of refuge and possible emergency relief centres.*

13.14 Local emergency management planning also failed to identify who would take what action to effect an evacuation, and triggers for that action. The MEMP did no more than repeat the general delineation of responsibilities for evacuation set out in the SERP. It should have included enough detail to give those responsible a framework for decision making and action.

...



13.21 *Many residents of Marysville and Buxton were able to evacuate safely. This was not due to municipal emergency management planning, or to any decision taken by the IC to recommend evacuation.”*

50 Further, at paragraph 9.5 of its submissions Counsel Assisting assert:

“While the Municipal Emergency Management Plan (MEMP) for the Shire of Murrindindi includes general reference to evacuation, and designates emergency relief centres, it does not include any plans for the evacuation of Marysville or any other township in the municipality. The MEMP states that the decision to evacuate rests with the combat agency in conjunction with the police and available expert advice, which merely repeats the general position as to evacuation set out in the State Emergency Response Plan. It would appear that local emergency management planning has not extended to planning how to effect the evacuation of a town or locality under threat of a fire or other emergency.”

51 The submissions and proposed key findings of Counsel Assisting appear to misapprehend the purpose of the MEMP and the role of council in relation to evacuation. This misapprehension is emphasised in the submissions of Counsel Assisting at paragraph 9.30:

“It also highlights the need for emergency management planning to include detailed planning for the evacuation of locations identified to be at risk of bushfire. This planning should include reference to the particular location, the surrounding topography, the roads on which evacuation might take place, the size and nature of this population, and any vulnerable members of the community who may need assistance to evacuate, any particular vulnerable sites such as schools or hospitals, any places of refuge and possible emergency relief centres. The planning should identify who will take what action to effect an evacuation, and triggers for that action. If possible, the plan should be rehearsed by those responsible for enacting it. Municipal emergency management plans should do more than repeat the general delineation of responsibilities for evacuation set out in the State Emergency Response Plan. They should descend to detail so that, when an emergency strikes, those responsible have an existing framework for decision-making and action.”

52 The submissions of Counsel Assisting are incorrect. The Murrindindi Shire MEMP, as do the MEMPs of other municipalities referred to in the submissions of Counsel Assisting, accurately reflects the role of Council in relation to evacuation and records the information required by the EM Act, the EMMV and the SERP to discharge the Council’s obligations in relation to evacuation.



- 53 Evacuation is a matter for agencies with the power and authority to order and effect an evacuation, in particular, Victoria Police. The role of Council is to provide support services, such as ERCs.
- 54 Given this, most MEMPs are broadly similar in respect of evacuation.
- 55 Somewhat oddly, Counsel Assisting has only criticised the Shire of Murrindindi and the City of Greater Bendigo in respect of the evacuation provisions in their MEMPs, and these submissions again appear to be out of step with its submissions in respect to the other fires.
- 56 The MEMPs of each of the 13 Councils which submitted MERO statements to the Commission employ the same or similar wording and format (in accordance with the EMMV and the SERP) to describe the Council's responsibilities in relation to an evacuation; yet only Murrindindi and the City of Greater Bendigo are criticised for adopting the words of the EMMV and the SERP.
- 57 In its submissions, Counsel Assisting refer to the Murrindindi Shire Council's MEMP and its section on evacuation. This section states as follows¹³:

"The Victoria Police are responsible for evacuation. The decision to evacuate rests with the combat agency in conjunction with police and available expert advice. Consideration must be given to the area which is to be evacuated, the route to be followed, the means of transport and a location to which evacuees will be asked to attend.

Once the decision to evacuate has been made the Murrindindi Shire Council MERO should be contacted to assist in the implementation of the evacuation. Murrindindi Shire Council will provide advice regarding the most suitable emergency relief centre and other resources that may be required (e.g. public health, emergency relief considerations or requirements and special needs groups).

Assistance in an evacuation may be provided by the following special agencies:

See Appendix C for particular event to identify relevant agency to be co-opted."

¹³ WIT.4006.001.0069



58 As the Murrindindi MEMP correctly recognises, the responsibility for evacuation lies with the Victoria Police. The obligation on Police stems from the EMMV and the SERP. Once the Council is notified of the fact of evacuation the MEMP recognises that the Council should assist in the evacuation; specifically, it should provide advice as to the appropriate ERCs for evacuees to attend. The Murrindindi MEMP provides the information to the MERO and the Municipal Recovery Manager as to the sites available within the municipality which may operate as ERCs.¹⁴ 26 such sites are identified.

59 In addition, the MEMP identifies that special plans for the evacuation of hospitals and nursing homes, schools, camps, and industrial sites are held by the MERO.¹⁵

60 The contentions of Counsel Assisting at paragraphs 9.5 and 9.30 seem to be based on the premise that the MEMP is an all agency, all tier of government emergency planning blueprint within a municipal district. This premise is not correct. A MEMP is only one tier of emergency planning, the municipal level, which is below the State level planning. Section 20 of the EM Act provides that the local council must prepare and implement a MEMP, and that the MEMP must contain provisions, inter alia

- (a) identifying the municipal resources (being resources owned by or under the direct control of the municipal council) and other resources available for use in the municipal district for emergency prevention, response and recovery; and
- (b) specifying how such resources are to be used for emergency prevention, response and recovery;

61 The Murrindindi Shire MEMP clearly meets the requirements of section 20 of the EM Act.

62 The Murrindindi Shire Council is not the agency responsible for effecting the evacuation of locations within its municipal district, nor should it be. The General Submission by Local Government in Victoria lodged by the MAV and 77 Victorian Municipal Councils in May 2009 outlines a number of reasons why Councils would not be in a position to act as an evacuation authority or otherwise co-ordinate an evacuation.¹⁶

63 The Murrindindi Shire Council simply lacks the power to undertake the planning for evacuations within the MEMP (as suggested by Counsel Assisting) or to enforce such an evacuation in the event of an emergency.

¹⁴ WIT.4006.001.0119.

¹⁵ WIT.4006.001.0105 - 0106.

¹⁶ General Submission by Local Government in Victoria, May 2009, section 6.4



64 It is also notable that none of these matters were raised with any Council officer who provided a statement to the Commission, which would have enabled considerations as set out above to be explained.

65 That is not to say that detailed planning of the kind suggested by Counsel Assisting should not be considered by the Commission. The MAV and the Councils submit however that it is not appropriate for responsibility for such planning to rest with Councils. The submission of Counsel Assisting at outlined at paragraph 9.30 may however be taken up in another way, through the appropriate agency, Victoria Police.

66 Accordingly, the Commission should not make the key findings proposed by Counsel Assisting at paragraphs 13.13, 13.14 and 13.21.

D. The Bendigo Fire

Emergency Relief Centres

67 Counsel Assisting propose at paragraph 23.6 of the submissions in relation to the Bendigo fire that the Commission makes a key finding that:

“There was a deal of unnecessary confusion about the location of the emergency relief centre in Bendigo on 7 February 2009, and poor advice to the public about where those evacuating could go. This confusion might have been avoided with better communication between the Adam Street ICC and the MECC, in particular with an earlier attendance by a CFA liaison officer at the MECC.”

68 The proposed key findings are supported by the submissions of Counsel Assisting at paragraphs 18.1 to 18.11, and in particular at paragraphs 18.10 and 18.11.

69 The decision to open the Eaglehawk ERC was appropriate on the information initially provided to the MERC and the MERO on 7 February. However as that information was updated, and advice was received of the imminent wind change causing the fire to take a different path, it was necessary to change the location of the ERC. The City of Greater Bendigo Council does not consider any implicit criticism of it is warranted. The City of Greater Bendigo Council does not agree that it was responsible for or contributed to any such confusion.

70 The MERO for the City of Greater Bendigo, Alexandra Malone, provided a statement to the Commission which was tendered in evidence. Mr Malone was not called to give oral evidence, and so the issue of “unnecessary confusion” was not put to him.



- 71 The statements of Mr Malone and the MERC, Senior Sergeant, Grant Morris, outline the steps taken to open the ERC and then to relocate it to Kangaroo Flat. The decision to change venues was made at 18.10pm when the MERC notified the MERO of the change in wind direction.¹⁷
- 72 Although the relocation of the ERC attendees was effected smoothly by the Council, it appears that the DERC Superintendent Bull, who was stationed at the Epsom ICC, was unaware of the location of any ERC. Yet it is apparent that the police and emergency workers effecting the evacuation of residents knew where to send those residents.
- 73 The information that the MERC received about the change of wind direction and the threat of fire to the Eaglehawk ERC was not communicated directly from the ICC but came from police and emergency workers in the field responding directly to the fire threat.¹⁸ Similarly, information of the CFA decision to evacuate residents was conveyed to the MERC by a police officer at the ICC.
- 74 It therefore appears that the ICC was not communicating key information to the MERC. Furthermore, in the absence of a CFA liaison officer or more direct communication between the MERC and those in command at the ICC, information such as the location of the ERC did not reach the ICC or the media for timely dissemination.
- 75 This reinforces the need for greater flow of communication between the ICC and the MERC, and a need for the ICC to acknowledge the importance of the function of the MECC for the role its plays in the emergency response.
- 76 The MAV and City of Greater Bendigo Council support that aspect of the proposed key finding that suggests the attendance of a CFA liaison officer would help overcome issues such as this.
- 77 In the circumstances, the proposed key finding should be amended to state that the City of Greater Bendigo did not contribute to the “unnecessary confusion”.

Evacuation

- 78 Although no key findings are proposed in respect to the Council’s planning or role in the evacuation of residents, Counsel Assisting make the observation at paragraph 18.5:

¹⁷ WIT.4010.001.0280

¹⁸ Grant Morris statement WIT.3010.007.0298, paragraphs 28 to 30.



“The Bendigo MEMP does not descend to the detail of identifying those locations that may require special assistance with evacuation, or arrangements for evacuating particular locations.”

79 No evidence was called on this point, and the matter was not raised as an issue during the course of the Commission hearings. We refer to and repeat the submissions in relation to evacuation at paragraphs 52 to 64 above in the response to the submission in relation to the Murrindindi fire.

80 It is worth noting however that the City of Greater Bendigo effected the relocation of persons from the Eaglehawk Leisure Centre to the Kangaroo Flat ERC in a smooth and efficient manner.

E. Redesdale Fire

81 At paragraph 7.6 of the submissions in relation to the Redesdale fire, Counsel Assisting state:

“Otherwise, the detail of the emergency response by Mount Alexander Shire and Macedon Ranges Shire is largely unknown, as no statements of MERCs or MEROs for those municipalities were provided to the Commission.”

82 By letter dated 11 June 2009, Counsel Assisting requested MERO statements from each Council involved in the emergency response to a number of fires, including the Redesdale fire. Subsequently, solicitors for MAV sought clarification as to the specific Councils from which Counsel Assisting wished to obtain evidence in relation to emergency response, and which fire or fires impacted their municipalities. Counsel Assisting responded to this request for clarification by noting that some Councils may not have played a significant role in the emergency response to a fire, that the Redesdale fire was relatively small and that the MAV and the solicitors for the MAV were best placed to identify which councils were able to provide useful evidence.¹⁹

83 Further, despite numerous discussions with Counsel Assisting about the production of the MERO statements, no specific request was made to provide statements from the MEROs of the Mount Alexander Shire Council or the Macedon Ranges Shire Council after the provision of the statement by Alexandra Malone of the City of Greater Bendigo.

¹⁹ Letter dated 25 June 2009 from Counsel Assisting to Mallesons Stephen Jaques



84 MERO statements were provided in relation to all those councils which in subsequent correspondence or discussions were specifically requested by Counsel Assisting. A total of 13 MERO statements were provided.

F. Bunyip Fire

85 At paragraph 9.42 of the submissions in relation to the Bunyip fire, Counsel Assisting state:

“Mr Venville gave evidence as to Baw Baw Shire’s emergency management arrangements and provided copies of the Baw Baw MEMP (both the current version and that in force as at 7 February) and Municipal Fire Prevention Plans. Neither of the MEMPs makes any specific reference to evacuation procedures.”

86 It is not entirely clear whether the submission is supposed to implicitly criticise the Baw Baw Shire Council. In any event, we again note that no evidence was called on this point, and that the matter was not raised as an issue during the course of the Commission hearings and we refer to and repeat the submissions in relation to evacuation at paragraphs 52 to 64 above in the response to the Murrindindi submission.

G. Churchill Fire

87 At paragraph 9.7 of the Churchill fire submission, Counsel Assisting note that the Latrobe City Council has participated in the development of the Victorian Fire Risk Register (“VFRR”).

88 The Commission should note that a total of 28 municipal Councils are participating in the implementation of the VFRR. Further, in a number of municipalities, particularly in south west Victoria, the CFA, Councils and a number of relevant agencies use the VFRR in the development of the CFA TPPs to identify key roads and other relevant infrastructure and services.

Dated: 27 January 2010