

2009 Victorian Bushfires Royal Commission's Interim Report: Commonwealth Response

1. INTRODUCTION

The Victorian bushfires of early 2009, and in particular those bushfires on 7 February 2009, were one of Australia's worst natural disasters.

The Commonwealth notes that the Victorian Government on 16 February 2009 established a Royal Commission "to investigate the causes of, preparation for, responses to, and the impact on infrastructure of the fires that occurred in late January and early February 2009."

The Commonwealth welcomes the 2009 Victorian Bushfires Royal Commission's interim report of 17 August 2009, noting that the 51 recommendations are predominantly focused on changes to protect human life, and reforms that can be implemented prior to the 2009-10 Victorian bushfire season.

The Commonwealth has conducted a detailed analysis of the recommendations. Of the 51 recommendations, 46 relate primarily to the activities of Victorian state agencies and local government. Of the 46 recommendations specific to Victoria, twelve have particular relevance to the Commonwealth and warrant specific comments.

Five of the 51 recommendations relate to Commonwealth responsibilities or capabilities, and the Commonwealth will work towards implementation of these recommendations where possible, prior to the coming Victorian bushfire season. In achieving this, the Commonwealth will work with Victoria and other jurisdictions to implement the proposed changes.

The Commonwealth commends the Commission for the early release of this Interim Report prior to the impending bushfire season, and believes that the Report's recommendations can further inform the development of emergency response policy and practice.

The Commonwealth remains committed to further assisting the Royal Commission beyond the implementation of recommendations in the Commission's Interim Report.

The Commonwealth will assist the Victorian Government in the development of its implementation plan for those recommendations where there are joint interests and also for the five recommendations that relate to Commonwealth responsibilities or capabilities.

2. RECOMMENDATIONS IMPACTING PRIMARILY ON THE STATE OF VICTORIA

Of the 51 recommendations, 46 relate primarily to the activities of Victorian state agencies and local government. These relate to:

- improved state-based warning systems
- relocation
- ‘stay or go’ policy
- identifying bushfire risk and provision of refuges
- case study in relation to incident management
- State-based emergency management planning and coordination, and
- emergency call services

The Commonwealth **notes** these recommendations and will work with the Victorian Government wherever possible to assist with their implementation. In particular, the following twelve recommendations have relevance to the Commonwealth and warrant specific comments.

Recommendation 4.1: The State ensure that bushfire warnings issued in Victoria:

- *are founded on the principle of maximising the potential to save human lives;*
- *embody the principles encapsulated in Recommendation 8.5 of the Council of Australian Governments report the National Inquiry on Bushfire Mitigation and Management (2004);*
- *embody the principles endorsed in the Australian Fire and Emergency Service Authorities Council Draft Discussion Paper: A National Systems Approach to Community Warning (May 2009); and*
- *incorporate the use of the Common Alerting Protocol, as adapted for the Australian context.*

The Commonwealth has played a key role in promoting the Common Alerting Protocol and supports its national adoption in a form adapted for Australia.

The National Bushfire Warnings Task Force, established under the Australian Emergency Management Committee (AEMC), will finalise a national fire warnings model by 1 October 2009, which will include consideration of the Common Alerting Protocol in an Australian context.

Recommendation 4.2: The State ensure that the content of bushfire warnings issued in Victoria reflects the principles set out in the Commonwealth policy paper Emergency Warnings – Choosing Your Words (2008). In particular, all bushfire warnings issued in Victoria must use clear language, avoid euphemisms, and contain explicit information in relation to:

- *severity, location, predicted direction and likely time of impact of bushfires on specific communities and location, and*
- *the predicted severity of impact of the bushfire and whether a specific fire poses a threat to human life.*

The Commonwealth developed the ‘Emergency Warnings – Choosing Your Words’ guidelines, and supports the adoption of uniform national warning procedures.

These guidelines were developed in recognition of the importance of language and the effective wording of emergency warnings so that the public understand the severity of impending risks and what action needs to be taken.

They were produced as a part of the Commonwealth funded *Broadcast of Emergency Warnings Project*, the aim of which is to improve the effectiveness and consistency of national arrangements between government and media for the broadcasting of emergency warnings. This project is managed by the Attorney-General's Department in consultation with state and territory emergency management representatives, key Australian Government agencies, and all national peak media broadcast bodies. It has also achieved:

- in principle endorsement of the *National Best Practice Guidelines for the Request and Broadcast of Emergency Warnings* from all peak broadcast media organisations, and all states and territories through the emergency management ministerial council
- development of an ongoing forum for consultation across government and broadcast media to address potential issues, shared interests and projects; and
- development of a web presence providing industry, government and the public with core documents and links relating to this project.

By the end of September 2009, the *Broadcast of Emergency Warnings Project* will also:

- develop a training module on the role of media in emergencies, for use by both media and government; and
- finalise further research on ways to work with indigenous media to warn remote communities.

The *Broadcast of Emergency Warnings Project* will continue to consult with key online media, and with peak media broadcast bodies (including community broadcasters, and culturally and linguistically diverse community broadcasters) to identify how emergency warning broadcasts can be improved within their sector. The Commonwealth will also continue to work closely with state and territory governments to further strengthen national arrangements in relation to the broadcast of warnings to the community in times of emergency.

Recommendation 4.3: The State commission research into the development of a new fire severity scale that denotes the risk posed by dangerous and extremely dangerous bushfires (similar to the cyclone categories 1 to 5).

Recommendation 4.4. The State ensure bushfire warnings in Victoria are confined to two categories or stages:

- *Bushfire Information* – a message providing information to the community on a bushfire that is ‘going’ and has the potential to threaten public safety
- *Bushfire Warning* – a warning to the community about any dangerous or extremely dangerous bushfire, particularly one that is burning out of control and poses a threat to human life

The National Bushfire Warning Task Force, established under the auspices of the AEMC, to consider improvements to the system for providing bushfire advice and warnings to the community.

The Task Force will finalise a national fire warnings model by 1 October 2009, with consideration to the Interim Report's recommendations on bushfire warnings, and finalise advice for consideration by state and territory emergency management ministers by the end of 2009.

Members of the Task Force include senior bushfire agency representatives from every state and territory, representatives from the Australasian Fire and Emergency Service Authorities Council (AFAC), the Bureau of Meteorology (the Bureau), the Attorney-General's Department and the Australian Broadcasting Corporation (ABC).

Recommendation 4.5 The State ensure that the Standard Emergency Warning Signal (SEWS) be used in Victoria to precede each bushfire warning or group of warnings for bushfires that are dangerous or extremely dangerous, particularly for a fire that is burning out of control and poses a threat to human life, subject to appropriate limits in the maximum frequency of use.

Recommendation 4.6 The State invite commercial operators to enter into a Memorandum of Understanding (MOU), similar to its MOU with the ABC, on the dissemination of bushfire warning messages and the use of the Standard Emergency Warning Signal (SEWS) by those operators.

The Commonwealth played a lead role in developing the SEWS and the Bureau has been actively supporting its national adoption through deliberations of the Australian Emergency Management Committee.

The appropriate use of the SEWS will be considered and addressed as part of the work of the National Bushfire Warnings Task Force, to be finalised by 1 October 2009.

The Commonwealth supports the development of specific MOUs between individual broadcasters and state and territory governments. This will provide greater coverage and certainty of community access in relation to bushfire warnings.

The Commonwealth recognises the importance of using all forms of media when issuing an emergency warning to the public. It was for this reason that the Commonwealth initiated the *Broadcast of Emergency Warnings* project, with involvement from all peak broadcast media sectors and all states and territories. This resulted in development of national best practice guidelines for the request and broadcast of emergency warnings.

The Commonwealth supports the State of Victoria using the *National Best Practice Guidelines for the Request and Broadcast of Emergency Warnings* as the basis for their development of specific MOUs between individual broadcasters.

Recommendation 5.3 The State ensure that a single, multi-agency portal for bushfire information be established that uploads information simultaneously to both CFA and DSE websites.

Recommendation 5.4 The State ensure that the single multi-agency portal for bushfire information be designed to allow Incident Control Centres to directly post information and warnings.

The Interim Report recognises the functionality of the Bureau's website and that it is a useful model for handling information in times of peak demand. On this basis, the Bureau will cooperate with the State of Victoria and relevant authorities in the provision of information on developing such a portal, and in the provision of any fire weather information required.

Geoscience Australia (GA) will also work with relevant Victorian authorities towards implementation of this recommendation, by providing information from its Sentinel Fire Hotspots website.

Recommendation 5.5 The State ensure the Victorian Bushfire Information Line is funded to enable it to provide greater surge capacity during extreme events and to improve the efficiency of its internal information function.

In April 2009, the Council of Australian Governments agreed to arrangements for an emergency call centre surge capability provided by the Commonwealth that may be called upon by states and territories should their local capacity be overwhelmed following a disaster.

These new arrangements are being developed by the Commonwealth Department of Human Services in consultation with the states and territories and will incorporate key lessons learned from the Victorian bushfires. It is intended that the new agreements will be in place in October 2009.

Recommendation 12.1: The Office of the Emergency Services Commissioner formally advise the Emergency Services Telecommunications Authority and Telstra Triple Zero of forecast severe fire risk days and particularly days where there is a risk of extremely dangerous bushfires.

Recommendation 12.2: The State ensure the Emergency Services Telecommunications Authority (ESTA) is funded to provide greater surge capacity during extreme events, including establishing additional work stations for fire calls at ESTA centres.

Recommendation 12.3: The State further promote, through the Council of Australian Governments, more effective emergency call service arrangements throughout Australia.

The Commonwealth supports moves to increase the efficiency and effectiveness of the Emergency Call Service (Triple Zero) processes, which involve both the initial call referral from Telstra to the state and territory emergency service organisations, and the subsequent handling and emergency response.

The Attorney-General has invited state and territory emergency management ministers to consider measures to improve the emergency management related aspects of Triple Zero at their next Ministerial Council meeting in 2009. In advance of this meeting, a cross-jurisdictional working group will develop options for improved overflow arrangements and better interaction with emergency service organisations. The Commission's interim report and recommendations will inform this work.

The Attorney-General's Department continues to work with the Australian Communications and Media Authority (which has operational oversight of Triple Zero) and the Department of Broadband, Communications and the Digital Economy on emergency call service issues.

The Commonwealth response to recommendation 5.5 regarding surge capability for the Victorian Bushfire Information Line (VBIL) should also be noted as part of the Commonwealth's response to recommendation 12.2. It should be noted that the emergency call centre surge capability referred to in the response to Recommendation 5.5 does not provide surge capability to Triple Zero calls. However, by providing surge capability to the VBIL, this will likely reduce the overall number of non-emergency calls being inappropriately made to Triple Zero, thus reducing the load on Triple Zero.

3. RECOMMENDATIONS REQUIRING SIGNIFICANT COMMONWEALTH INPUT

The Commonwealth has a significant interest, responsibility or capability in respect to five of the 51 recommendations. Below is the Commonwealth's response to each.

Recommendation 4.8: That the Australian Government, Council of Australian Governments and the State, determine whether it is technically possible to implement the second phase of the national telephony-based warning system (that is, the delivery of warning messages to mobile phones based on the physical location of a handset at the time of the emergency) with a view to implementation for the 2009-10 bushfire season.

The Commonwealth **supports the intent** of this recommendation.

The exact technical solution for this is yet to be established. The Commonwealth is supporting the Victorian Government which has made a Request for Information (RFI) to the market from the industry on the capability to send warning messages to mobiles based on the handset location. The Commonwealth has committed \$1.35 million to Victoria, to identify a technical solution that will work across all carrier networks.

This RFI closes on 28 October 2009 and was released to the market by the Victorian Government on behalf of all states and territories. The outcomes of the RFI will inform future consideration by governments on the implementation of such a capability.

While technical options will be identified through this process, it is highly unlikely that a complete solution could be implemented for the coming bushfire season due to the likely infrastructure, regulatory, commercial and privacy implications. The Commonwealth will consult with Victoria in its exploration of whether a viable interim location-based mobile

warning solution exists.

The provision of warnings to fixed lines and mobile telephones based on billing address, which can be achieved for the coming bushfire season, is a valuable first step.

Commonwealth funding of more than \$26 million is already committed to assist states and territories to develop a telephone-based emergency warning capability. Of this, the Commonwealth has committed up to \$15 million for the urgent construction of the National Emergency Warning System (NEWS) that can send warnings to fixed lines and mobile telephones based on billing address.

The Commonwealth is also providing \$0.65 million of these funds to Victoria to develop information to be used nationally to inform the community about the new National Emergency Warning System.

The Attorney-General's Department has let a contract for the construction of the Location Based Number Store (LBNS), testing of which is expected in October 2009. The LBNS is a secure, central database that will hold telephone numbers and address data, and will provide geographically identified telephone numbers to the National Emergency Warning System and Western Australia's existing system.

The Commonwealth will aim to implement this recommendation according to the following key milestones:

- provide Victoria, in the 2009-10 financial year, up to \$1.35 million to identify a solution to deliver warnings to mobile telephones on the basis of the location of the handset
- consult with Victoria on the feasibility of deploying an interim solution to deliver warnings to mobile telephones on the basis of the location of the handset for the 2009-10 bushfire season
- by December 2009, participate with the States and Territories in the evaluation of responses to the Request for Information, and
- assist in the development of any proposals for the extension of the NEWS to deliver warnings to mobile telephones based on their location for consideration by the Council of Australian Governments in early 2010.

Recommendation 5.1: The Australasian Fire Authorities and Emergency Services Council and the Bureau of Meteorology collaborate with researchers (see Recommendation 4.3) to explore options for the fire danger indices and fire danger ratings including:

- *an additional fire rating beyond 'Extreme';*
- *adjusting the existing fire danger ratings to correspond to higher Fire Danger Index values; and*
- *developing a revised fire severity scale for use in bushfire warnings based on new fire danger ratings.*

The Commonwealth **agrees** with this recommendation.

The Bureau will assist the Victorian fire authorities (and others as appropriate) with the implementation of this recommendation.

The Bureau under the *Meteorology Act 1955* provides fire management authorities with detailed forecasts during the fire season. These include Fire Weather Warnings when the fire danger is expected to exceed a certain critical level. In Victoria, Fire Weather Warnings based on the morning or afternoon fire weather estimates are issued on a district basis when the McArthur Fire Danger Index (FDI - either grassland or forest) for two locations within the district reaches 50 or more. In marginal cases, a Fire Weather Warning may be issued after consultation with the Victorian Country Fire Authority (CFA) and Department of Sustainability and Environment (DSE). These ratings are published on the Internet at about 4.30pm for the next day, and are updated at 4.30 in the morning.

The Bureau notes that the original limit of the Macarthur scale was 100 and will discuss with the agencies whether the published values should be “capped” at that value as published values of FDIs greater than 200 on 7 February 2009 have attracted a high level of interest.

Views have been expressed that another level of fire danger beyond ‘Extreme’ (ie, megafire) would be useful in alerting the community of the potential of very great fire danger, and could potentially save lives. The Bureau will assist the Victorian fire authorities in introducing a new fire danger level beyond ‘Extreme’ in the coming fire season through its participation on the National Bushfire Warnings Taskforce.

The Bureau will also collaborate with AFAC and researchers on adjusting fire danger ratings and developing a revised fire severity scale.

The Commonwealth will aim to implement this recommendation according to the following key milestones:

- incorporate a new scale of fire danger ratings into its fire weather and warning services for southern states by the 2009-10 season, and with other states and territories in accordance with the requirements of the National Bushfire Warnings Task Force, and
- AFAC and the Bureau will meet on 3 September 2009 to develop a research program to examine further modifications to fire danger indices and ratings.

Recommendation 5.2: The Bureau of Meteorology include the Forest Fire Danger Index and the Grass Fire Danger Index in its fire weather warnings and general weather forecasts on its website and in material distributed to the media.

The Commonwealth **agrees** with this recommendation.

The Bureau will work with the Victorian fire agencies (and others as appropriate) towards implementation of this recommendation.

In consultation with the fire agencies, the Bureau will publish the FDIs along with the fire danger ratings in its fire weather warnings and public forecasts, commencing in the coming fire season.

A public education campaign is needed to make the publication of the FDIs well understood, and the Bureau will provide non-financial assistance to fire agencies in developing such a campaign.

The Commonwealth recommends that in the implementation of Recommendations 4.3 and 4.4, Victoria incorporate an explanation of the FDIs in its revised community information on bushfire awareness. As the Bureau will be publishing FDIs nationally, other states and territories will need to promote the new material in a similar manner.

The Commonwealth will aim to implement this recommendation according to the following key milestones:

- by the 2009-10 season for Victoria, fire weather forecasts and warnings **will** include the new the index values, descriptions and action statements, in line with the Australasian Fire and Emergency Service Authorities Council (AFAC) workshop, held on 3-5 August, on “ Scaled Bushfire Advice and Warnings”, and endorsed by the National Bushfire Warning Task Force, and
- by the 2009-10 season for Victoria, the Bureau **will** include Fire Danger Index values in its public weather service products on its website.

Recommendation 11.1 The Commonwealth facilitate discussions between relevant Commonwealth agencies (including Emergency Management Australia, Defence, Defence Imagery Geospatial Organisation and Geoscience Australia) and state and territory fire services to identify ways in which Commonwealth resources might be applied more rapidly and effectively during extremely dangerous bushfires, including investigating the potential for these resources to be used for detecting, tracking and suppressing bushfires.

The Commonwealth **agrees** with this recommendation.

The Commonwealth will continue to engage with the jurisdictions’ fire services to assess how best to provide resources.

The Attorney-General's Department will continue to work with other Commonwealth agencies, including the Department of Defence, the Bureau, and GA to identify how best to use Commonwealth resources to support the jurisdictions in major emergencies – including bushfire detection and tracking. Briefings on the capability of Defence, the Bureau and GA will be part of the annual pre-season briefings referred to in the response to recommendation 11.2.

The Bureau will continue to work with fire services during events in the provision of extreme weather information.

GA will continue to work with relevant agencies to ensure that the following capabilities can be accessed in the coming bushfire season. These capabilities potentially include the use of satellites to detect fires, the Sentinel hotspots website, rapid mapping of fire extents, and early estimation of impacts by the overlay of the fire extent maps with GA’s specialised database of buildings.

Defence intelligence collection agencies (such as Defence Imagery Geospatial Organisation), can assist to the extent permitted by the legislative framework of the *Intelligence Services Act 2001*. This legislative framework allows Defence intelligence capabilities to be redirected from core functions to assist in response to, and in support of, Commonwealth/state emergency response efforts in the event of natural disaster.

The Commonwealth will aim to implement this recommendation according to the following key milestones:

- on 25 September a pre-season briefing will be held to identify better use of Commonwealth resources. It will include representatives from relevant Commonwealth and state and territory agencies. The briefing will focus on identifying ways in which existing capabilities can be efficiently accessed by the states and territories in the coming bushfire season, and
- on 25 September following the pre-season briefing, the Commonwealth Attorney-General will chair an extraordinary meeting of the Ministerial Council for Police and Emergency Management – Emergency Management (MCPPEM-EM) to discuss issues of national concern related to natural hazards such as floods, cyclones and bushfires. This will include relevant issues currently on the agenda for the November 2009 MCPPEM-EM meeting and items currently being considered by the AEMC.

Recommendation 11.2: The Commonwealth, through Emergency Management Australia, provide briefings at least once a year to state and territory agencies regarding arrangements available (including through Defence) to support jurisdictions during disasters and emergencies, including bushfires. State and territory representatives should advise relevant Ministers and the Chief Officers of emergency services (including fire services) of the outcomes of these briefings.

The Commonwealth **agrees** with this recommendation.

The Commonwealth Attorney-General will convene a preseason briefing in September 2009, which will be subsequently be conducted on an annual basis. The briefing will focus on bushfires and other hazards, and will involve key Commonwealth agencies and jurisdictional representatives. The briefing agenda will include:

- the seasonal outlook and predictions for the upcoming season (provided by the Bureau of Meteorology)
- operational arrangements (including the Australian Emergency Management Arrangements – released August 2009; the Commonwealth Disaster Plan; and ‘Defence Assistance to the Civil Community’ arrangements)
- the process for requesting Commonwealth assistance including reconfirming authorised requesting officers, and
- the availability and capability of Commonwealth assets that can be used to support the jurisdictions in the next fire season, including bushfire detection and tracking.

Following the briefing, the Attorney-General will chair an extraordinary meeting of MCPPEM-EM to discuss issues of national concern related to natural hazards such as floods, cyclones and bushfires. This will include relevant issues currently on the agenda for the

November 2009 MCPPEM-EM meeting and items currently being considered by the AEMC.

The Commonwealth will aim to implement this recommendation according to the following key milestones:

- on 25 September a pre-season briefing, and extraordinary meeting of MCPPEM-EM, will be convened by the Attorney-General as outlined in this recommendation, and
- as also outlined in this recommendation, ongoing, annual briefings will continue to be conducted.