

STANDING COMMITTEE ON LEGAL AFFAIRS

# **ACT Fire and Emergency Services Arrangements**

AUGUST 2008

**Report 8 - Volume 1**



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## Resolution of Appointment

On 7 December 2004 the Legislative Assembly for the Australian Capital Territory resolved to establish a general purpose standing committee, called the Standing Committee on Legal Affairs:

to perform the duties of a scrutiny of bills and subordinate legislation committee and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, governance and industrial relations, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services.

## Inquiry Terms of Reference

On 22 May 2007, the Standing Committee on Legal Affairs resolved to undertake an inquiry into ACT fire and emergency services arrangements. On 5 June 2007 the Committee formalised its terms of reference for the inquiry and advised the ACT Legislative Assembly that, in light of recent bushfire events including the 2001 and 2003 fires, the Standing Committee on Legal Affairs would:

- 1) Assess issues raised and recommendations made in the McBeth and McLeod reports, the 2003 bushfire coronial report and other relevant reports
- 2) Investigate and inquire into:
  - a) current and proposed structural arrangements in ACT Fire and Emergency Services
  - b) resource issues
  - c) operational processes and procedures; and
  - d) any other relevant matters.<sup>1</sup>

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings No 103*, 5 June 2007.

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## TERMINOLOGY<sup>2</sup>

Built up area	An area declared to be built up under the Emergencies Act 2004 and typically means the existing Canberra urban areas
Bushfire Abatement Zone	<p>A bushfire abatement zone declared under the Emergencies Act 2004.</p> <p>The purpose of the Bushfire Abatement Zone (BAZ) is to reduce the impact of bushfires on the built up areas within the ACT. In addition to the primary BAZ around the built up area of Canberra, the BAZ includes three outlying areas (Uriarra Village, Pierces Creek Village and the Tidbinbilla Tracking Station).</p>
Bushfire Operational Plan	<p>A bushfire operational plan for unleased Territory Land, Territory Land or land in the bushfire abatement zone.</p> <p>A bushfire operational plan for unleased Territory Land, Territory Land or land in the bushfire abatement zone. BFMP p10 The Bushfire Operational Plan is identified as a mechanism by which land managers of unleased lands and Territory land plan and specify operational works and account for bushfire prevention, preparedness, response and recovery. Bushfire Operational Plans set out the manner in which a particular parcel or area of land is managed for bushfires and defines activities consistent with the Strategic Bushfire Management Plan.</p>
Hazard	A thing or situation with potential to cause death or harm to a person and damage to property or the environment.
Leased Territory Land	Land that has been leased to an individual or group.
Preparedness	Measures to ensure that community resources and services are ready to respond to routine, major and complex incidents.
Prescribed burning	<p>Prescribed burning is also referred to as fuel-reduction burning, hazard-reduction burning or cool burning involves the controlled application of fire under specified environmental conditions to a predetermined area and at a time, intensity and rate of spread required to attain planned resource management objectives. These objectives may include habitat management, fuel reduction, species regeneration or maintenance of ecosystem health</p> <p>Fuel reduction burning generally aims to reduce the amount of ground fuels including grass, leaf litter and twigs, elevated fuels, including dead suspended fuel material and</p>

<sup>2</sup> The dictionary is drawn from: ACT Government (2004), *Strategic Bushfire Management Plan for the ACT; version 1*; Emergency Services Authority, Canberra, p 10 unless identified otherwise.

	shrub layers in forests as well as bark on trees.
Prevention	Measures taken in advance of an emergency to decrease or eliminate impact on the community and the environment.
Public Land	A term not used to refer to lands of the Territory, with specific meaning under the Land (Planning and Environment) Act 1991, it includes land uses such as parks, wilderness, nature reserves and special purpose reserves.
Recovery	Measures undertaken to restore the operational readiness of the units involved and contribute to support effected individuals and the community.
Response	The deployment of adequate weight of response by ambulance, fire brigade, rural fire service and state emergency service units.
Rural area	The area of the ACT outside the declared built up area.
Territory Land	Land gazetted under the ACT Planning and Land Management Act 1988 managed by the ACT Government on behalf of the Australian Government.
Unleased Land	All land in the ACT that is not under lease and includes ACT Forests' land and public land uses such as parks, wilderness and nature reserves.
Urban Edge	Urban edge is not a defined distance and includes urban and non-urban areas.
Urban Interface	The edge of the urban area where it meets non-urban land uses.

## ABBREVIATIONS

ACTPLA	ACT Planning and Land Authority
AEMC	Australian Emergency Management Committee
AFAC	Australasian Fire Authorities Council
AFP	Australian Federal Police
AIIMS	Inter-Service Incident Management System Incident Control System
APZ	Asset Protection Zone
BOP	Bushfire Operational Plan
CAD	Computer Aided Design
CFA	Country Fire Authority
CFU	Community Fire Authority
EMA	Emergency Management Australia
EPA	Environment Protection Act
ESA	Emergency Services Agency/Authority
ESB	Emergency Services Bureau
FMU	Fire Management Unit
ICT	Information and Computer Technology
JACS	Justice and Community Safety
LDZ	Landscape Division Zone
LMZ	Land Management Zone
MCPEM	Ministerial Council for Police and Emergency Management
MOU	Memorandum of Understanding
RFS	Rural Fire Service
SBMP	Strategic Bushfire Management Plan
SES	State Emergency Service
TAMS	Territory and Municipal Services
TRN	Trunked Radio Network

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## RECOMMENDATIONS

### RECOMMENDATION 1

8.10 The Committee recommends that a thorough review be undertaken of the communications and coordination between the separate agencies which make up the Emergency Services Agency, to assess the extent to which cultural factors are detrimental to the effective operation of the ESA.

### RECOMMENDATION 2

8.12 The Committee recommends that the ACT Government develop and publish an operational policy document which spells out the command and control structures and procedures should an emergency event arise.

### RECOMMENDATION 3

8.16 The Committee recommends that the Bushfire Council consultative requirements under the *Emergencies Act 2004* be reviewed, with a view to removing the requirement to consult with the Bushfire Council on operational matters, such as staff appointments and matters prescribed by regulation.

### RECOMMENDATION 4

8.20 The Committee recommends that responsibility for overseeing the progress of the implementation of agreed recommendations of the Coroner be undertaken by a truly independent body and not by the Bushfire Council.

### RECOMMENDATION 5

8.21 The Committee recommends that, if the Bushfire Council is to have an advisory role generally in emergency management, it should be renamed to reflect a general emergency role rather than a role specifically in relation to bushfires.

### RECOMMENDATION 6

8.23 The Committee recommends that the ESA develop a schedule of proposed exercises as a five year rolling plan, in order that all the elements of emergency services are able to be tested over that time and in differing situations.

## **RECOMMENDATION 7**

8.24 The Committee recommends that the ESA hold discussions with NSW with a view to developing a joint exercise program with the NSW Rural Fire Service on an ongoing basis.

## **RECOMMENDATION 8**

8.28 The Committee considers that the ACT Government should table in the ACT Legislative Assembly the cost-benefit analysis and business plan for Fairbairn as a central site for emergency services in the ACT.

## **RECOMMENDATION 9**

8.29 In order that the ACT public can be reassured about the project management and financial planning in relation to the Fairbairn site as a proposed centralised accommodation facility for emergency services, the Auditor-General undertake a review of the project from a financial probity and project management perspective.

## **RECOMMENDATION 10**

8.30 If the Auditor-General does not undertake a review in the near future, the Committee recommends that the ACT Government re-investigate the suitability of the Fairbairn site as a proposed centralised accommodation facility for emergency services.

## **RECOMMENDATION 11**

8.31 If the Auditor-General does not undertake a review in the near future, the Committee recommends that the ACT Government make a public announcement about the future accommodation plans for the Emergency Services Agency and its component parts so that both the ESA and the ACT public are informed about current proposals and timeframes.

## **RECOMMENDATION 12**

8.32 If the ACT Government decides to proceed with the site as the emergency services headquarters, that it accord a high priority to the finalisation of the site preparations for the ESA at Fairbairn as a matter of urgency.

## **RECOMMENDATION 13**

8.36 The Committee recommends that the ACT Government explain its reasons to the Legislative Assembly for not proceeding with the release of Version 2 of the Strategic Bushfire Management Plan in July 2005.

**RECOMMENDATION 14**

8.37 The Committee recommends that the ACT Government finalise Version 2 of the Strategic Bushfire Management Plan as required under the Emergencies Act.

**RECOMMENDATION 15**

8.39 The Committee recommends that the responsibility for land management issues lie within a single portfolio, specifically the Minister for Territory and Municipal Services.

**RECOMMENDATION 16**

8.42 The Committee recommends that the ACT Government develops a joint strategic bushfire management plan with the NSW Government and the NSW Rural Fire Service in relation to those areas which have the potential to impact on both jurisdictions.

**RECOMMENDATION 17**

8.44 The Committee recommends that the ACT Emergency Services and the Rural Fire Service in particular institute regular meetings with the NSW Rural Fire Service and other appropriate authorities, such as environment and national parks for the purposes of land management and fuel load assessment and control.

**RECOMMENDATION 18**

8.46 The Committee recommends that information in relation to proposed fuel load activity and controlled burning should be disseminated to the community and in an accessible format.

**RECOMMENDATION 19**

8.49 The Committee recommends that the ACT Government investigate the Victorian Community Fireguard model with a view to implementing a similar scheme in the ACT to enhance community preparedness for and ability to respond to bushfire emergencies.

**RECOMMENDATION 20**

8.55 The Committee recommends that the Emergency Services Agency update its website to accommodate, at a minimum, a publications menu item and a search function.

**RECOMMENDATION 21**

8.56 The Committee recommends that the Emergency Services Agency post all its publications, which are not internal working documents or otherwise confidential, on its website.

**RECOMMENDATION 22**

8.57 The Committee recommends that each element of the Emergency Services Agency publish organisation charts showing names, positions and contact details on the individual webpages.



# 1 BACKGROUND TO THE INQUIRY AND STRUCTURE OF THE REPORT

## Background to the inquiry

- 1.1 ACT fire and emergency services arrangements have been a significant area of debate and subject to numerous government inquiries, as well as ongoing public scrutiny for over a decade. More recent events, such as the 2002, 2003 bushfires and the Yarralumla grassfire in 2006, are a reminder to the ACT community that the urban areas are vulnerable to bushfires. Since those bushfires, public debate has focussed not only on how the ACT Government can best manage the bushfire threat within the Territory but also on the impact of arrangements and events in surrounding regions.
- 1.2 The Standing Committee on Legal Affairs adopted the following terms of reference to help assess the adequacy of current emergency prevention arrangements, including preparedness, response and recovery policies and processes as well as Emergency Services structural arrangements and resourcing. The terms of reference state:
 

In light of recent bushfire events including the 2001 and 2003 fires, the Standing Committee on Legal Affairs would:

  - (a) Assess issues raised and recommendations made in the McBeth and McLeod reports, the 2003 bushfire coronial report and other relevant reports
  - (b) Investigate and inquire into:
    - ▢ current and proposed structural arrangements in ACT Fire and Emergency Services
    - ▢ resource issues
    - ▢ operational processes and procedures; and
    - ▢ any other relevant matters.
- 1.3 As a first step in the inquiry process the Committee released an issues paper in December 2007. The issues paper was an essential first step in the inquiry, aiming to provide, firstly, an assessment of the numerous reviews which have taken place over the last decade, and also as a starting point for the current inquiry. Such an approach enhances the understanding of the key

issues and underpins the public submission and hearings phases of the inquiry.

- 1.4 The issues paper aimed to provide an overview of the current status of emergency service provision in the ACT. The paper considered the issues raised and recommendations made in the McBeth<sup>3</sup> and McLeod<sup>4</sup> reports, the 2003 bushfire coronial report<sup>5</sup> and other relevant reports. The paper comprised:
  - a background section on the role of the Emergency Services Agency (ESA) and its four operational services;
  - a brief history of the structure of emergency service provision in the ACT; and
  - a discussion of the key issues around emergency services structure, operations and relevant legislation, practices and policies.
- 1.5 The paper further focused on those services primarily involved in the prevention, preparedness, response and to bushfire events and consequential recovery, ie the ACT Fire Brigade, the ACT Rural Fire Service, the ACT State Emergency Services as well as related administrative and operational support services and land management agencies. Neither the Issues Paper nor this report considers the ACT Ambulance Service except where necessary in the consideration of one or other operational elements.

## The inquiry

- 1.6 Following the call for submissions and the release of the Issues Paper, the Committee held public hearings in the first half of 2008. Details of submissions are at Appendix A and a full list of the hearings and witnesses is at Appendix B. Appendix C contains a list of all recommendations in previous reports on aspects of fire and emergency services arrangements over the last 10 years or so and the Government responses to those recommendations, where this has been able to be ascertained.

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<sup>3</sup> McBeth, H, *The Fire Hazard Reduction Practices of the Australian Capital Territory Government*; 1994, unpublished

<sup>4</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003

<sup>5</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006.

## Ministerial responsibilities and actions

- 1.7 One of the problems faced by the Committee was the complex administrative arrangements underpinning emergency services and land management in the ACT. Two of the ACT's five ministers, the Minister for the Environment, currently the Chief Minister, and the Minister for Territory and Municipal Services, have some measure of responsibility for land management, which is a major issue when considering fuel loads. Further, while the Minister for Police and Emergency Services has primary responsibility for fire fighting and emergency services, the Minister for Territory and Municipal Services also has a Fire Management Unit in his Department, comprising 9 full time personnel. There are up to 150 TAMS officers who are trained fire-fighters.
- 1.8 Environmental issues were also an issue, requiring the presence of the Minister for the Environment. Compounding the confusing administrative arrangements, ministerial responsibility for emergency services changed during the period of the Committee's inquiry.
- 1.9 Because all three ministers had varying responsibilities in areas of concern to the Committee, all were invited to attend the public hearings. The Chief Minister declined to appear at any time, referring the Committee to the Minister for Territory and Municipal Services as the most appropriate minister to attend the hearings. However, at the hearing, the Minister for Territory and Municipal Services was unable to answer the questions relating to land management in certain zones, which were the responsibility of the Minister for the Environment.
- 1.10 The Committee was appreciative of the time given by Mr Corbell and his officials at the two public hearings at which he appeared.
- 1.11 The Committee considered, however, that some comment is required on the actions of the Minister for Police and Emergency Services, Mr Corbell, particularly at the final public hearing on 20 June 2008. At that hearing, Mr Corbell refused to allow some of his officials to respond to questions from

the Committee, despite several direct requests from and through the Chair.<sup>6</sup> The Committee notes that questions were responded to by the Minister and senior officials at the table.

- 1.12 However, the Committee reminds the Executive that Standing Order 239 gives to committees the power to send for persons, papers and records. This power is a broad one and includes the nomination of witnesses to appear before the Committee. While committees generally are happy for ministers to decide which officials they wish to bring with them to a public hearing, where a committee specifically requests the appearance of an official at the witness table, neither the Minister nor anyone else is able to interfere with that person's appearance. Such an action could constitute interference with a witness and thereby constitute a contempt of the Assembly.<sup>7</sup>
- 1.13 Similarly, the Committee requested a number of documents on various occasions which the Minister refused to provide without appropriate justification. The Committee does not consider that a claim of cabinet-in-confidence is sufficient to justify withholding a document from an Assembly committee. Similarly, a claim of privacy is not sufficient to withhold documents requested by a committee. Claims of public interest immunity, appropriately grounded, are the only valid claims for refusal to provide documents pursuant to a committee request. The persistent refusal to provide relevant documents for the committee inquiry is disrespectful to the Committee and, moreover, to the Assembly as a whole. The Committee draws this matter to the attention of the Legislative Assembly.

## Structure of the report

- 1.14 The report discusses the previous inquiries, structural arrangements for emergency management in the ACT over time, resourcing of emergency management, communications, and community education and awareness. The final chapter contains conclusions and recommendations.

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<sup>6</sup> Transcript of Evidence, 20 June 2008, p 250

<sup>7</sup> *Parliamentary Privileges Act 1987*, s 12

- 1.15 The report does not and cannot consider the science underpinning bushfire prevention and control specifically, nor does it go into consideration in detail of land management practices. Those matters were considered thoroughly in the earlier inquiries, particularly in the McBeth, Hannan, McLeod and coronial inquiries. Instead, the report concentrates on the recommendations made in the McLeod and coronial reports and government responses since those reports were published. The Committee comments in detail on the institutional and strategic arrangements in place to ensure that the appropriate land management practices are undertaken and reviewed.



## 2 PREVIOUS INQUIRIES

- 2.1 There have been a number of significant inquiries into aspects of the ACT's emergency arrangements and preparation over the last 10-15 years. These have included predominantly:
- ▢ the 1991 Hannan review of the ACT Fire Brigade, the ACT Rural Fire fighting Service and the ACT Emergency Services;
  - ▢ the 1993 MacDonald review of aspects of ACT emergency services;
  - ▢ the 1994 McBeth report into fire hazard reduction practices in the ACT;
  - ▢ the 1995 Glenn report into fuel management practices in the ACT;
  - ▢ the 2003 McLeod report into the operational response to the 2003 bushfires; and
  - ▢ the 2006 report of the Coroner into the deaths resulting from the 2003 bushfires and the fires themselves.

### 1991 Hannan review and Purdon report

- 2.2 The Hannan review into the ACT Fire Brigade, the ACT Rural Fire fighting Service and the ACT Emergency Services was commissioned by the Department of Urban Services 'to investigate appropriate organisational and operational arrangements for the services'. The Hannan review recommended merging the three services into one agency led by a chief executive, with co-location and rationalisation of depots.
- 2.3 Given the fundamental impact of the Hannan report recommendations and the variable lack of acceptance by the separate agencies, the Government sought community input, culminating in a series of workshops, from which a report by Purdon Associates was produced.<sup>8</sup> The fundamental changes recommended by the Hannon report were largely resisted by the three services and seen as hostile, according to the report by Purdon Associates.<sup>9</sup>

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<sup>8</sup> It should be noted that the only copy of the Purdon report of March 1992 available to the Committee was a draft .It is not possible to say how closely the draft resembles the final document or even if there was a final document.

<sup>9</sup> Purdon Associates, *Draft Consultation Report*, March 1992, p 15

For this reason, the Government decided not to proceed with the full merger, but retained the independent agencies under an administrative umbrella.

## 1993 MacDonald Review<sup>10</sup>

- 2.4 Bruce MacDonald was commissioned to undertake a review of ACT Emergency Services following the passing of a resolution of the Legislative Assembly and subsequent referral by the Minister for Urban Services.<sup>11</sup> The terms of reference, which, in the Minister's view, encompassed the original Assembly motion, stated:

Report to the Minister for Urban Services by 31 December 1993 on:

(a) Determination of the most appropriate structure for the provision of services, including whether services should be co-located, consolidated or otherwise rationalised;

(b) the most appropriate means of training and maintaining training levels of emergency services workers.

The report should have regard to past reviews and in particular the review of Fire and Emergency Services Group, Counter Disaster Planning and Disaster Recovery currently being conducted by the Director Fire and Emergency Services and the Resource review of ACT Policing.

It should also consider and report on arrangements made to improve emergency management in the ACT. In particular:

(a) the development of a Three Year Plan for Fire and Emergency Services;

(b) the creation of the ACT Emergency Management Committee and the related program of:

▢ review of ACT Hazards;

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<sup>10</sup> B MacDonald, *Report on the Review of Aspects of ACT Emergency Services*, December 1993

<sup>11</sup> Minutes of Proceedings, No 61, 13 May 1993 and correspondence to Mr MacDonald from the Minister for Urban Services, 8 July 1993



- ▢ preparation of Emergency Management Legislation; and
  - ▢ revision of ACT Counter Disaster Plan
- (c) Potential for further improving arrangements between emergency response units within ACT fire and Emergency Services, ACT Police and ACT Ambulance;
- (d) the long term requirements for emergency service delivery in the ACT.<sup>12</sup>

2.5 While acknowledging progress on reform of emergency arrangements, MacDonald was critical of the limited attention successive Federal and ACT governments had given to 'overall co-ordination, strategic planning, scope for avoidance of duplication, and general management of the emergency services as a whole'. The report made 35 recommendations, principally:

- ▢ retention of the ACT Fire Brigade, the ACT Rural Fire Service and the Bush Fire Council under the same administrative umbrella;
- ▢ legislative development;
- ▢ finalisation of a review of training and development;
- ▢ assessment of communications requirements across the services;
- ▢ improvement of physical working conditions and equipment; and
- ▢ development of a community awareness program.<sup>13</sup>

## 1994 McBeth Report<sup>14</sup>

2.6 In 1994 Howard R McBeth and Associates were commissioned by the ACT Government to undertake a review into fire hazard reduction practices in the ACT, with particular emphasis on the role played by the then ACT Parks and Conservation Service. The consultant was specifically required to provide an expert opinion on the capacity of the activities undertaken by the

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<sup>12</sup> B MacDonald, *Report on the Review of Aspects of ACT Emergency Services*, December 1993, p 2

<sup>13</sup> B MacDonald, *Report on the Review of Aspects of ACT Emergency Services*, December 1993, pp 203-209

<sup>14</sup> Much of the following material is drawn from H R McBeth and Associates, *The Fire Hazard Reduction Practices of the ACT Government*, 1994 and is not separately cited

Parks and Conservation Service to modify the impact of bushfires on the urban interface with lands under its management.<sup>15</sup>

2.7 The report made 17 major findings, including:

(1) The ACT Government has failed to recognise in sufficient degree the need for or implementation of whole of Government Policy pertaining to wildfire and fire related land management, planning, associated urban planning, conservation, public safety and landscape quality issues.

(2) The consequence of (1) above is that Strategic ACT-Wide Policy, Regional or District Bushfire Prevention Planning on multiple land tenure/management areas, associated access, fuel breaks/fire breaks, and fuel reduction management programmes are ill planned, fragmented and not necessarily being undertaken in the critical high hazard areas.

(4) Both the forests parks and conservation Services have failed to provide meaningful, workable or co-ordinated programmes of hazard reduction on the lands they are responsible for.

(8) The ACT Careless Use of Fires Act 1936 is flawed in that the Bush Fire Council, Chief Fire Control Officer or Inspectors cannot use the Act (Section 55) to ensure appropriate fuel hazards are managed effectively on ACT Government Lands.

(10) The Careless Use of Fires Act 1936 and other statutes have been interpreted by the Land Management Authorities to infer they have no responsibilities in cause and effect relationships concerning 'managing' fire management matters, as 'fire suppression' is the province and accountability of the Rural Fire Service and Chief Fire Control Officer.

(14) Due to the lack of strategic planning by the land management agencies, works supervisors, foresters and rangers are unclear as to what the bushfire management focuses are within their respective agencies.

2.8 The report noted that many of the findings specified had been brought to the attention of the Government by Mr Phil Cheney , a CSIRO research scientist in the Forestry Division. Mr Cheney's comments on the Hannan Group report were lauded by Mr McBeth.

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<sup>15</sup> H R McBeth and Associates, *The Fire Hazard Reduction Practices of the ACT Government*, 1994, p 2

- 2.9 In particular, McBeth noted that all land managers had statutory responsibilities to ensure that fires on the land managed by them did not get out of control. McBeth stated:

The effect of the programs implemented by the [Parks and Conservation] Service and other ACT Land Management Agencies does not in the authors view, provide adequate safeguard against the impact of single or multiple (conflagration) wildfire events in the ACT.

Due to competing priorities, perceived resource constraints, lack of focus or 'imperatives to do more', the ACT as a whole lags behind national benchmarks concerning best practice where the bushfire continuum is concerned.

The deficiencies of existing structures within agencies, allocation of resources and fundamental government change or review processes to address overall planning matters and bushfire continuum needs within the ACT have been brought to the attention of Government in recent years, however little real progress or improvement has occurred.<sup>16</sup>

- 2.10 McBeth noted the portrayal by Mr Phil Cheney of the 1991 circumstances, background and deficiencies of bushfire prevention management, incident response needs and related land management accountabilities, and recommended radical change. McBeth stated in relation to Mr Cheney's report:

I support unequivocally the thrust of this report and its recommendations and reiterate how unfortunate that this report has not been acted upon.<sup>17</sup>

- 2.11 McBeth urged that Mr Cheney's report be read in conjunction with his report and its recommendations. McBeth's report recommended an all encompassing review to be undertaken by a Task Force 'into all aspects of rural Fire Services functions and delivery, incorporating all agencies with land management, planning and bushfire emergency response or management activities pertaining to bushfire'. The review was to include

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<sup>16</sup> H R McBeth and Associates, *The Fire Hazard Reduction Practices of the ACT Government*, 1994, p 10

<sup>17</sup> H R McBeth and Associates, *The Fire Hazard Reduction Practices of the ACT Government*, 1994, p 11

organisational and operational aspects of the fire services, chain of command and incident response systems and procedures, controlled burning, vegetation management, hazard mitigation policy, rare and endangered species and development of an integrated geographic information system.

## 1995 Glenn Review – Task Force on Fuel Management Practices in the ACT

- 2.12 The Glenn Review was the implementation of the major recommendation of the McBeth report to establish a Task Force to undertake a wide-ranging review of fuel management practices in the ACT, specifically:

...to review current practices for bushfire fuel management in the ACT and recommend appropriate policies and practices for the future having regard to the protection of life and property, environment and conservation issues.<sup>18</sup>

- 2.13 The Glenn Review made 24 recommendations in total, the major ones being:

- ▢ the immediate preparation of bushfire fuel management plans by ACT Government land managers subject to regular biennial review;
- ▢ the establishment of an oversighting Bushfire Fuel Management Committee;
- ▢ land managers to give priority to hazard reduction and bushfire safety for residents in high-risk areas;
- ▢ the clarification of fuel management responsibilities in such areas as power and water easements and roadsides;
- ▢ the establishment of education programs to warn the public of bushfire risk and also the necessity and consequences of hazard reduction burning with promotion of prescribed burning in the media; and
- ▢ the adoption in the ACT of Building Code of Australia standards and guidelines relevant to bushfire prone areas.<sup>19</sup>

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<sup>18</sup> Glenn G, *The Task Force on Fuel Management Practices in the ACT – Report*, 4 August 1995

<sup>19</sup> Glenn G, *The Task Force on Fuel Management Practices in the ACT – Report*, 4 August 1995, pp iv-vi

## 2003 McLeod Review

- 2.14 The next major review of bushfire procedures in the ACT followed the devastating January 2003 bushfires, in which over 500 homes were destroyed and four people lost their lives. Following the disaster, the ACT Government commissioned Mr Ron McLeod to report on the operational response to the bushfires.
- 2.15 The report noted the following positives:
- ▢ the emergency planning that had been undertaken in the years preceding the fires meant that, at the highest levels of government, there was a good understanding of agency roles and of the mechanisms and special arrangements that needed to be activated; and
  - ▢ the informal arrangements between the different levels of government worked well, with the report acknowledging that the contribution of other levels of government was considerable.<sup>20</sup>
- 2.16 However, the report also made the following findings:
- ▢ there were inadequacies in the physical construction and layout of the Emergency Services Bureau centre in Curtin, in that the Centre was unable to handle the quantum of data and communications traffic, which in turn affected the operational managers' ability to direct and control assets on the ground;
  - ▢ poor facilities and operational command arrangements resulted in an excessive focus on tactical decision making, at the expense of a broader strategic approach;
  - ▢ the organisational and institutional arrangements in the ACT for dealing with emergencies were not optimal and were hampered by past legacies;
  - ▢ there were deficiencies in the provision of information and advice to the community;
  - ▢ there were equipment and resourcing deficiencies within the emergency service organisations;
  - ▢ there had been the lack of controlled burning prior to the fires, which had contributed to the quantity of fuel that accumulated in publicly managed parks and forests;

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<sup>20</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p iv

- there was a lack of responsibility for fire mitigation and suppression among land managers;
- there was a need for formalisation of informal arrangements with NSW; and
- there were structural deficiencies in emergency services arrangements which limited the effectiveness of emergency workers' contributions.<sup>21</sup>

2.17 The report also questioned whether full financial responsibility should rest with the residents of the ACT for land management of areas within the ACT and which had high scenic value and formed an important part of the national estate. So far as the legislation was concerned, the report considered that, while the *Emergency Management Act 1999* worked well, the inquiry found that the *ACT Bushfire Act 1936* was out of date and required comprehensive revision.

2.18 The 61 recommendations addressed the following areas:

- fuel management and fire access;
- structural arrangements in emergency services;
- resources, including personnel, accommodation and equipment;
- incident command and control and operational procedures, including the development and updating of operational manuals;
- training and development and occupational health and safety;
- the relationship between the fire management and land management agencies;
- Commonwealth and interstate arrangements;
- public education and information; and
- legislative change, including the *Emergency Management Act*, the *Bushfire Act* and other legislation<sup>22</sup>

2.19 The major recommendations included:

- the establishment of a stand alone Emergency Services Agency;
- the urgent upgrade of the Emergency Services Bureau's operational command and control facilities either at Curtin or a new location;
- a review of incident command procedures;
- the upgrading of equipment;

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<sup>21</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, pp iv - ix

<sup>22</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, pp 231-238

- ▢ a greater emphasis on controlled burning; and
- ▢ legislative changes to the ACT Bushfire Act.

## The coronial inquiry

2.20 Following the 2003 bushfires, which resulted in four deaths, the Coroner, Maria Doogan, reported to the Attorney-General, in accordance with s57 of the Coroner's Act 1997.<sup>23</sup> The section states:

### **57 Report after inquest or inquiry**

- (1) A Coroner may report to the Attorney-General on an inquest or an inquiry into a fire held by the Coroner.
- (3) A Coroner may make recommendations to the Attorney-General on any matter connected with an inquest or inquiry, including matters relating to public health or safety or the administration of justice.

2.21 The Coroner therefore reported not only on the four deaths which occurred, but also on the four fires which ultimately resulted in the firestorm which hit Canberra on 18 January 2003. The Coroner made recommendations in relation to public safety as a result of her inquiries. The major findings and recommendations are set out below.

## Management of the Emergency Services Bureau

2.22 One of the Coroner's major findings related to deficient management by senior officers of the Emergency Services Bureau during the period of the fires, especially the lack of an overall strategy for fighting the fires. Major recommendations in relation to management and the structure of the emergency services agency included:

- ▢ re-constitution of the Emergency Services Agency as an independent statutory authority reporting directly to the responsible minister;<sup>24</sup>

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<sup>23</sup> Doogan, M, Coroner, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006

<sup>24</sup> During the period between the fires and the release of the Coroner's report the ACT Government had established the Emergency Services Authority as an independent statutory authority on 1 July 2004 and on 1 July 2006 the ESA became an agency under the umbrella of the Department of Justice and Community Safety.

- ▢ relocation of the Emergency Services Agency into purpose-built accommodation;
  - ▢ adoption of a more rigorous risk-management approach to emergency management, with particular emphasis on the development of improved community information strategies and protocols.<sup>25</sup>
- 2.23 The Coroner also made a number of recommendations in relation to appointments of personnel, training, recognition of expertise, the availability and accuracy of maps and related documentation and technical systems.
- 2.24 A further major recommendation related to a review of the communications system used by all four emergency services agencies to ensure that they were compatible.

## The ACT's fire service arrangements

- 2.25 In relation to resourcing of the emergency services agencies, the Coroner recommended the consideration of all possible options for the provision of fire services within the ACT, including:
  - ▢ subcontracting the provision of fire services to NSW fire fighting services;
  - ▢ including in the memorandum of understanding between the ACT and NSW mutual obligation arrangements; and
  - ▢ integration of the ACT Rural Fire Service with the ACT Fire Brigade and establishment of a single ACT fire service under a single management and command and control structure, along the lines of the Tasmanian Fire Service and Victoria's Country Fire Authority.
- 2.26 The Coroner also made many recommendations in relation to equipment, resourcing and dealing with remote area fires.

## Fuel management and hazard reduction

- 2.27 The Coroner made 9 recommendations relating specifically to fuel management and hazard reduction, including:

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<sup>25</sup> Doogan, M, Coroner, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, p 216



- the introduction of a hazard reduction program and regular strategic burning,
- the development of a public information program about hazard reduction;
- responsibility for fuel management to lie with land managers; and
- the inclusion of policies and practices as recommended in a memorandum of understanding between the Emergency Services Agency and the Department of Territory and Municipal Services.<sup>26</sup>

2.28 Recommendations also covered the Emergency Services Agency's cooperation with the AFP and NSW authorities. The recommendations in relation to the AFP focus on evacuation policy and procedures. A number of recommendations emphasised the importance of implementing appropriate coordination arrangements for incidents affecting both jurisdictions, particularly instituting adequate and effective command and control teams. The recommendations are detailed and emphasise the sharing of facilities, planning, logistics and operations functions, communications, community information systems and distribution strategies. In particular, the Coroner recommended that the ACT and NSW Rural Fire Service radio communications systems should be integrated.

## Community consultation, awareness and warnings

- 2.29 The Coroner made recommendations in relation to community awareness and warnings, including:
- provision of up-to-date information;
  - development and co-ordination of community awareness programs;
  - development of mechanisms for delivery of community warnings;
  - development of professional expertise in the dissemination of information, and media management and liaison; and
  - development of a coherent policy on community awareness.

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<sup>26</sup> Doogan, M, Coroner, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006,, Vol 2, pp 218 -219

- 2.30 The Coroner also addressed building and garden design. Recommendations about heightening community awareness of potential fire hazards and fire prevention measures in relation to buildings and gardens are contained in the report.

## Establishment of a Taskforce

- 2.31 The final recommendations in the Coroner's report relate to the establishment of a Taskforce to give effect to the recommendations in her report.<sup>27</sup>

## House of Representatives Select Committee on the recent Australian bushfires

- 2.32 In 2003, the House of Representatives established a Select Committee to look at recent Australian bushfires, from the perspective of the national government with significant financial and other interests. The Committee's report<sup>28</sup> acknowledged that most land management was under the control of the states and territories, who also had responsibility for fire and emergency services arrangements. However, the Committee noted that the Commonwealth also had a legitimate interest in the events, given its financial and other responsibilities under international treaties, legislation and agreed Commonwealth-State arrangements. These interests included:
- the significant Commonwealth financial assistance to states following natural disasters, pursuant to the National Disaster Relief Arrangements [NDRA];
  - supplementation of resources to fire-fighting agencies through the Department of Transport and Regional Services [DoTARS]; and
  - interests in land management through:

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<sup>27</sup> Doogan, M, Coroner, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, p 226

<sup>28</sup> Select Committee on Recent Australian Bushfires, *A Nation Charred: Inquiry into the Recent Australian Bushfires*, October 2003. The following comments are drawn from Chapter 1 of that report.

- financial commitments through the National Heritage Trust program which aims to conserve the environment and natural resources;
- obligations under the Environment Protection and Biodiversity Conservation Act 1999 [EPBC Act] for the protection of threatened species;
- direct responsibility for the management of reserves such as the National Botanic Gardens in the ACT, Kakadu National Park and the Booderee National Park at Jervis Bay;
- responsibilities incurred as a signatory to international instruments for areas occurring on the World Heritage List, such as the Tasmanian Wilderness and the Blue Mountains; and
- an interest under the Australian Heritage Commission Act 1975 in protecting against damage to historic sites, such as the cattlemen's huts in the alpine and subalpine areas of NSW and Victoria.

2.33 Primarily, the report sought to reflect the significant community concern that not enough had been done to mitigate the threat of fire and also to indicate how a national approach and policy would benefit prevention and management of future bushfire events. The report specifically cited the following areas as requiring national attention:

- ▢ improved research into fire behaviour and management;
- ▢ implementation of uniform data and mapping systems;
- ▢ implementation of a national emergency radio communication system;
- ▢ processes such as the National Aerial Fire Fighting Strategy; and
- ▢ increasing trend toward the interstate deployment of fire fighting elements.<sup>29</sup>

2.34 Concerns raised consistently in evidence to the inquiry included:

- ▢ build up of fuel loads on public lands;
- ▢ decline of fuel reduction programs on public and private lands;
- ▢ inadequate access into national parks;
- ▢ disregard and exclusion of local knowledge in land management agencies and fire suppression operations;

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<sup>29</sup> Select Committee on recent Australian bushfires, *A Nation Charred: Inquiry into the Recent Australian Bushfires*, October 2003, p 9

- ⇒ slowness of response and lack of aggression by management responsible for fire suppression activities;
- ⇒ mismanagement of fire suppression operations; and
- ⇒ failure of radio-communication systems and equipment.<sup>30</sup>

2.35 The Committee notes that Mr Michael Organ MP, former Greens member for Cunningham, dissented from the majority report on the grounds that much of the evidence taken in relation to bushfire preparedness and land management was untested, given that some critical stakeholders had not made submissions to the inquiry.

## Victorian Environment and Natural Resources Committee

2.36 A joint committee of the Victorian Parliament recently completed an inquiry into the impact of public land management practices on bushfires in Victoria. The report was released in June 2008 and focussed on prescribed burning, its implementation and impact on fuel loads and the environment. Recommendations concentrated on the issue of fuel load management.

## ACT Auditor-General's report on FireLink

2.37 In 2007, the Auditor-General undertook a performance review of the FireLink project. FireLink is an information and communications system procured by the Emergency Services Authority from Australian Technology Information Pty Ltd [ATI] in October 2004 to support emergency services operations by the provision of location and environmental data. The audit was undertaken after Phase 1 of the project, delivery of the core system, but prior to the completion of Phase 2, improvement of coverage and further customisation. However, prior to the finalisation of the Audit inquiry, the project was cancelled. A description of the FireLink project and comment on the Audit report is contained in Chapter 6, Operational Preparedness.

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<sup>30</sup> Select Committee on recent Australian bushfires, *A Nation Charred: Inquiry into the Recent Australian Bushfires*, October 2003, p 11

### 3 LEGISLATION, GOVERNANCE AND ADMINISTRATIVE ARRANGEMENTS

- 3.1 Emergency services encompasses a range of services to protect the community in the event of such incidents or natural disasters as floods, bushfires and other emergencies. The services include emergency response and assistance, preparedness for emergencies in the form of counter disaster plans, community education, and awareness and emergency recovery.
- 3.2 The Government responded to the findings of the McLeod Report by introducing revised emergency management legislation, the *Emergencies Act 2004*, which consolidated the four Acts in the ACT previously governing emergency services, specifically the *Emergency Management Act 1999*, the *Bushfire Act 1936*, the *Fire Brigade (Administration) Act 1974* and the *Fire Brigade Act 1957*.
- 3.3 The *Emergencies Act 2004* underpins the management of emergency services in the ACT, with the objects of the *Emergencies Act* being:
- (a) to protect and preserve life, property and the environment; and
  - (b) to provide for effective emergency management; and
  - (c) to provide for the effective and cohesive management by the emergency services authority of the state emergency service, the ambulance service, the fire brigade and the rural fire service; and
  - (d) to recognise the value to the community of all emergency service members, including volunteer members.<sup>31</sup>
- 3.4 The *Environment Protection Act 1997* [EPA] 'does not apply to the exercise or purported exercise by a relevant person of a function under the *Emergencies Act 2004* for the purpose of protecting life or property, or controlling, extinguishing or preventing the spread of a fire'.<sup>32</sup> Therefore the provisions of the EPA do not apply when a relevant person, as defined under the EPA, exercises a function under the *Emergencies Act*; the *Emergencies Act* takes precedence.

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<sup>31</sup> *Emergencies Act 2004*, s 3

<sup>32</sup> *Environment Protection Act 1997*, s 6

## Administrative arrangements

- 3.5 Emergency service provision has undergone several iterations over the past 15 years. Originally, the Emergency Services Bureau [ESB] was located within the Department of Urban Services, before transferring to the Department of Justice and Community Safety [JACS] in 1997. After the fires and as a result of the McLeod report, the ESB became the Emergency Services Authority on 1 July 2004, an independent statutory authority under the direction of the Emergency Services Commissioner, who reported directly to the Minister for Emergency Services. Following a whole of government functional review, on 1 July 2006, the Authority became the Emergency Services Agency [ESA], once again under the JACS umbrella.
- 3.6 The 1994 objectives of the ESB were to 'manage emergencies, develop counter disaster plans and provide a range of emergency services to meet the community's need for continuous protection of life and property from the effects of fire, road accidents, medical and other emergencies, and potential natural disasters, such as storms and flooding in all areas of the ACT'<sup>33</sup>.
- 3.7 The ESB at the time comprised:
- ▢ urban fire operations;
  - ▢ bush fire operations;
  - ▢ ambulance service operations;
  - ▢ emergency service operations; and
  - ▢ emergency support, comprising corporate administration, concepts and research, regional support, community education and public relations and communications.
- 3.8 The key objectives of the ESB as expressed in the 2003-2004 JACS annual report were:
- ▢ the prevention and/or mitigation of hazard impact on the community;
  - ▢ ensuring community and agency preparedness;
  - ▢ provision of effective emergency response;

- ▢ assisting the community recovery from incidents and emergencies;  
and
- ▢ provision of an effective emergency management response.<sup>34</sup>

3.9 These responsibilities have not changed significantly over the years, although some of them have had a greater emphasis since the period of the fires, particularly the objective of improving community and agency preparedness.

3.10 In 2004, when still in JACS, the ESB comprised the four operational services, the ACT Ambulance Service, the ACT Bushfire Service, the ACT Emergency Service and the ACT Fire Brigade. The four services are described below in the section dealing with current arrangements.

### **Emergency Services Authority 1 July 2004 to 1 July 2006**

3.11 The McLeod report had found inefficiencies in the structure of the ACT's emergency service arrangements. McLeod had come to the conclusion that the historic separation of the Rural Fire Service, the Bushfire Service and the ACT Fire Brigade was no longer sustainable and that a greater degree of cooperation and coordination was required. He therefore made a recommendation for the establishment of an independent statutory authority. McLeod considered that a more independent organisation would enable closer interaction between the various emergency service bodies.<sup>35</sup>

3.12 The statutory authority status aimed to address the issues of coordination and cohesion via common governing legislation, the assignment of identical powers to chief officers, the integration of planning and support arrangements between the services, joint strategic level plans and more efficient internal governance structures.<sup>36</sup> McLeod recommended that the statutory authority provide common planning, administrative and

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<sup>34</sup> Department of Justice and Community Safety, *Annual Report 2003-2004*, p 62

<sup>35</sup> Emergencies Bill 2004, Explanatory Statement, p 2.

<sup>36</sup> ACT Emergency Services Authority, *Annual Report 2004-2005*, p 3

logistical support to all its component parts and have a common communications facility, command and control centre, and headquarters.<sup>37</sup>

- 3.13 The ACT Rural Fire Service and SES were also established under the *Emergencies Act 2004*, transitioning from the previous combined structure.<sup>38</sup>

### **Emergency Services Agency since 1 July 2006**

- 3.14 On 1 July 2006 emergency services were re-integrated into JACS, with a revised operational structure, designed to 'prioritise front line service delivery'<sup>39</sup> while maintaining the operational independence of the four emergency service Chief Officers.<sup>40</sup> Reforms implemented sought 'to ensure that administration support was at optimum efficiency'.<sup>41</sup>

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<sup>37</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 207

<sup>38</sup> Department of Justice and Community Safety, *Annual Report 2004-2005*, pp 7-8

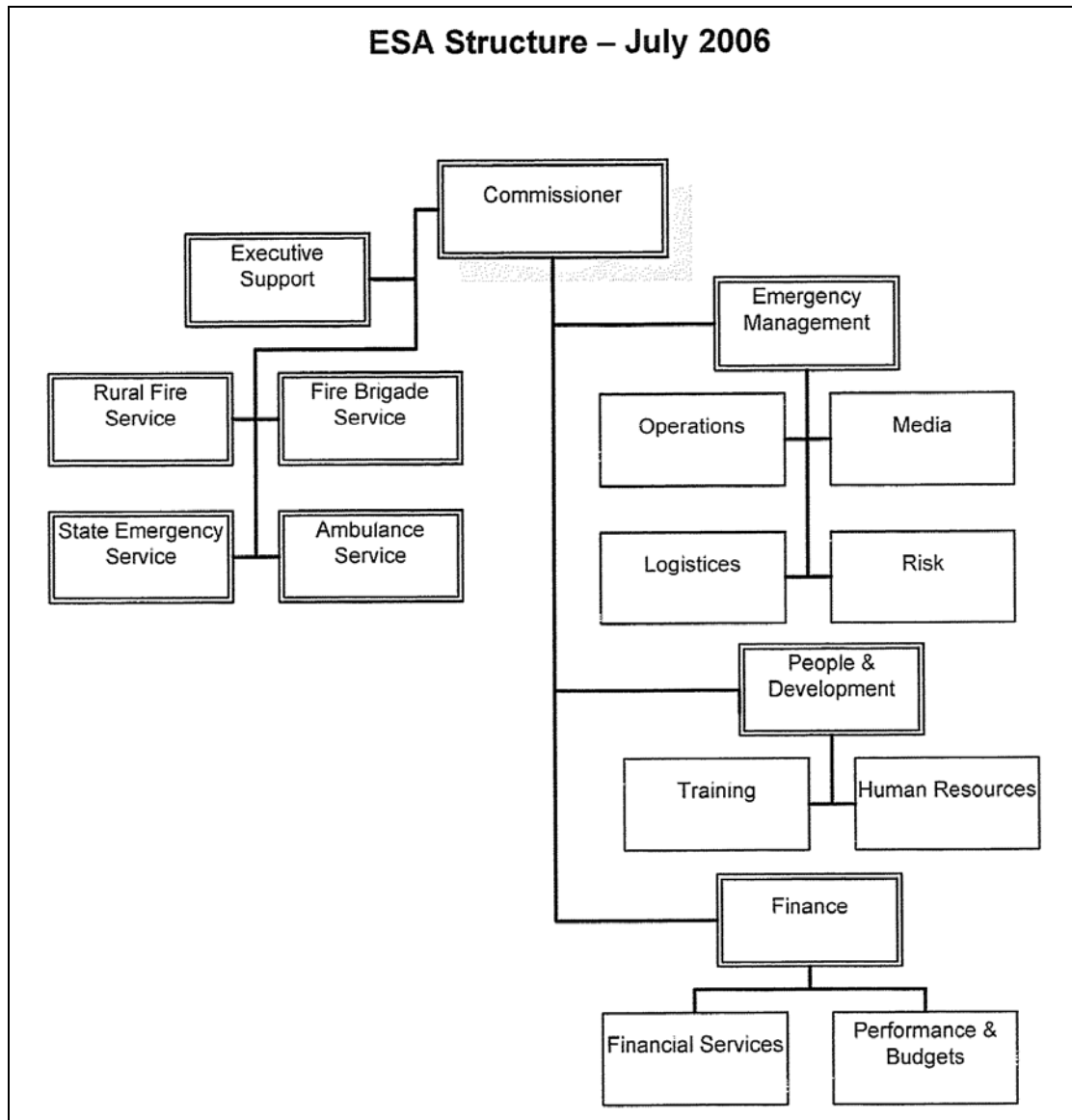
<sup>39</sup>, Department of Justice and Community Safety, *Annual Report 2006-2007*, p 17

<sup>40</sup> Department of Justice and Community Safety *Annual Report 2006-2007*, p 16

<sup>41</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p 17

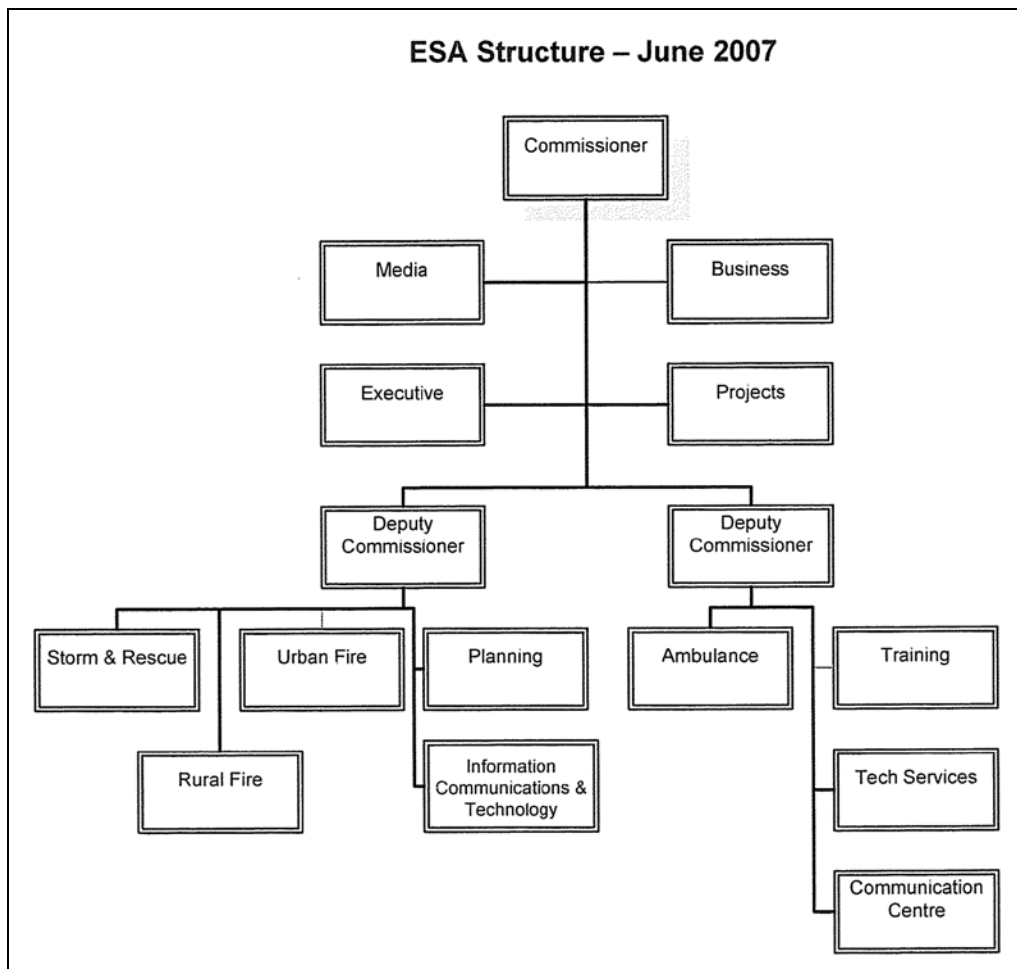


**Diagram 3.1: ESA Structure 2006<sup>42</sup>**



<sup>42</sup>

Department of Justice and Community Safety, *Annual Report 2006-2007*, p 257

**Diagram 3.2: ESA Structure – June 2007**<sup>43</sup>

3.15 The Committee considers that these diagrams are not helpful. They do not show positions but rather functions. It is not clear from either diagram what senior positions exist, nor who occupies them. The transition from the structure in July 2006 to that in existence at June 2007 is not adequately explained or justified. By way of comparison, the ESA annual report 2004-2005 contains an organisational chart diagram, which is comprehensive and informative. It clearly shows the organisational hierarchy, the senior positions and the functional relationships.<sup>44</sup> The Committee expects that any organisational charts appearing in the next JACS annual report will be more informative and accurate than these in the 2006-2007 annual report.

<sup>43</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p257

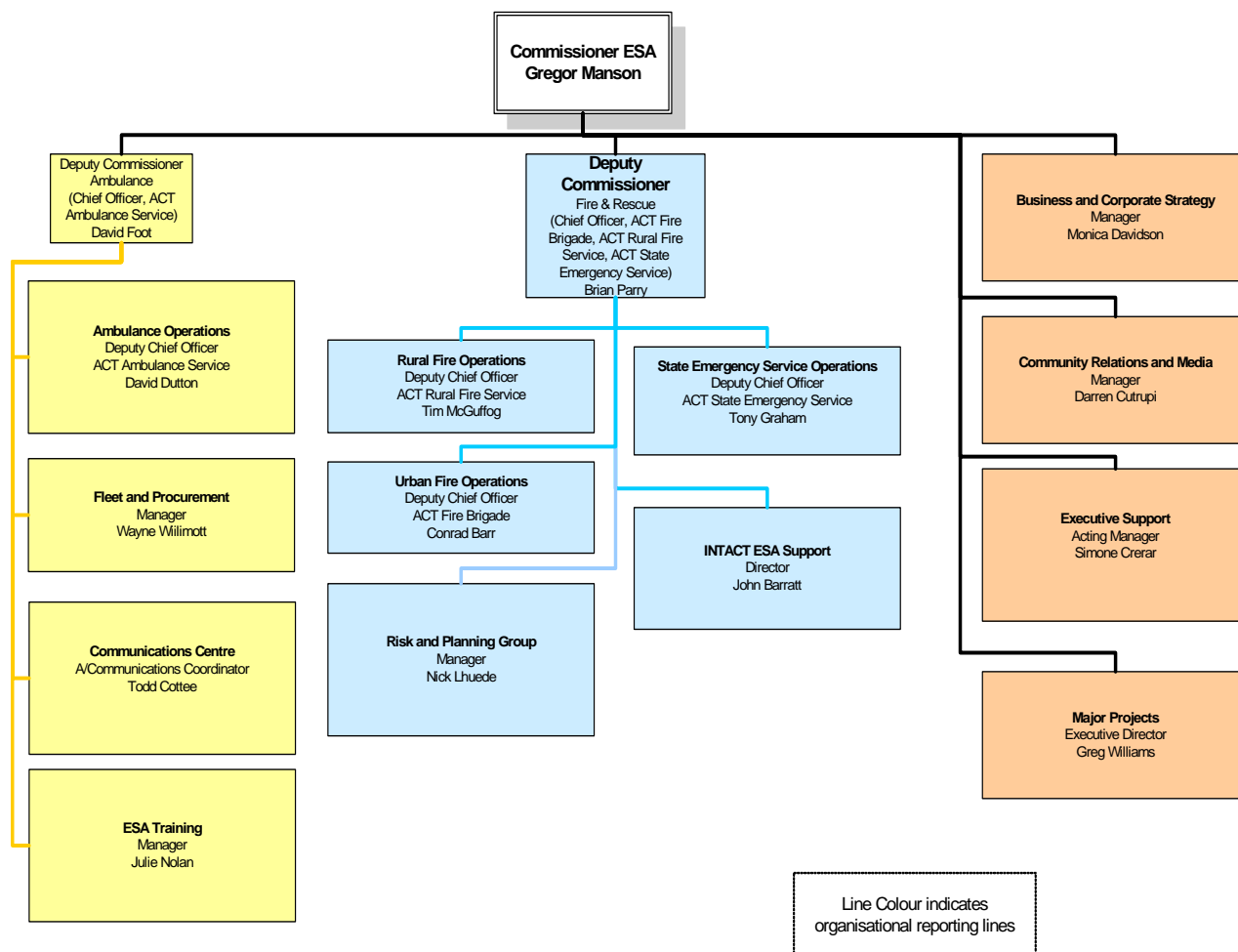
<sup>44</sup> Emergency Services Authority, *Annual Report 2004-2005*, p 5

**Current arrangements**

- 3.16 The ESA's functional responsibilities remain largely unchanged from those applying to the ESB. The ESA still comprises the four operational services - the ACT Fire Brigade, the ACT Rural Fire Service, the ACT State Emergency Service, all under the direction of a single Chief Officer and the ACT Ambulance Service, with a dedicated Chief Officer. The organisational chart below sets out the current structure.

ESA Organisational Chart<sup>45</sup>

## Emergency Services Agency Structure



## ACT Fire Brigade

- 3.17 The ACT Fire Brigade ‘provides a capability to support the protection of life, property and the environment from fire and other hazards’<sup>46</sup>. The Fire Brigade comprises a departmental brigade of approximately 317 full-time professional fire-fighters and 38 volunteer Community Fire Units (CFUs).
- 3.18 The ACT Fire Brigade services include fire fighting of structural, transport and bushfires and rescues such as animal, confined space, industrial, road accident, swift water, trench, vertical and urban search. The Fire Brigade manages hazardous materials spills, responds to chemical, biological and radiological incidents and assists in storm damage and medical assistance.<sup>47</sup> As part of its education function, the Brigade also conducts and supports community education activities to assist in incident response.
- 3.19 The CFUs, launched in the ACT in late 2003, are volunteer teams of local residents, trained to safeguard their homes during a bushfire until the Fire Brigade can get there. A typical team is made up of 6 to 12 members, with the focus on bushfire education, prevention and preparation. The CFU program trains and equips residents on the rural/urban interface to undertake property protection measures in the event of a bushfire.<sup>48</sup>

## ACT Rural Fire Service

- 3.20 The ACT Rural Fire Service [RFS] currently comprises 8 volunteer brigades. Under the Emergencies Act 2004, the RFS is the primary provider of rural fire management and coordination activities for the ACT.<sup>49</sup> The draft business plan states:

The ACT Rural fire Service is responsible for community safety, the protection of people, property and the environment from bushfire, and providing supporting resources to other ESA services for an integrated emergency management response. As part of its role the ACT Rural Fire

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<sup>46</sup> ACT Department of Justice and Community Safety, *Annual Report 2006-2007*, pp 278-279

<sup>47</sup> ACT Department of Justice and Community Safety, *Annual Report 2006-2007*, p 279

<sup>48</sup> ACT Fire Brigade, CFU Pamphlet,  
[http://cal096.act.gov.au:7087/publishedcontent/publish/esa\\_website/content\\_actfb/community\\_fire\\_units/cfu\\_pamphlet.pdf](http://cal096.act.gov.au:7087/publishedcontent/publish/esa_website/content_actfb/community_fire_units/cfu_pamphlet.pdf)

<sup>49</sup> Rural Fire Service, Draft Business Plan 2008-2011

Service undertakes a comprehensive range of community education and awareness programs. The ACT Rural Fire Service has a prime function to provide a community based service, which will result in the minimisation of preventable fire fatalities and casualties and the minimisation of damage to property and the environment from bushfire.<sup>50</sup>

- 3.21 In conjunction with other agencies, the RFS is responsible for operational planning and 'an integrated emergency management response to other emergency situations', as well as providing operational support to other agencies.<sup>51</sup> It also is responsible in rural areas for the declaration of total fire bans on extreme fire risk days and manages the 'permit to burn' system.
- 3.22 Additionally, the RFS undertakes rural fire community education and awareness programs. Two of the agencies guiding principles relate to educating the community about the effects of bushfire and bushfire preparation, and support for the community through community fire programs and the provision of timely and comprehensive information.
- 3.23 The RFS has 11 full time staff responsible for the provision of the management framework and approximately 440 active volunteers, supplemented by 150 fire-fighters within the Territory and Municipal Services staff brigade.<sup>52</sup>
- 3.24 The importance of the contribution of volunteer fire fighters to emergency services in the ACT cannot be overstated. One witness said:
- One of the keys that I tried to maintain while I was the chief officer is that a rural fire service in particular lives and dies on the strength of its volunteers. Without the support of its volunteers and without the respect of its volunteers, you do not have a vibrant, active rural fire service that is able to respond to all the needs of the community.<sup>53</sup>
- 3.25 The Committee considers that this statement would also be true of the volunteer State Emergency Service.

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<sup>50</sup> Rural Fire Service, Draft Business Plan 2008-2011, p 1

<sup>51</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p 281.

<sup>52</sup> Department of Justice and Community Safety, *Annual Report 2004-2005*, p 282.

<sup>53</sup> Transcript of evidence, 14 March 2008, p 81

## ACT State Emergency Service

- 3.26 The ACT State Emergency Service undertakes planning and response to storms and floods, as well as:
- ▢ conducting civil defence planning and operations;
  - ▢ undertaking operations to assist and support other ESA services;
  - ▢ support for other organisations in land and air searches; and
  - ▢ providing support to community organisations.<sup>54</sup>
- 3.27 The ACT State Emergency Service currently comprises seven full time staff and 220 volunteers.<sup>55</sup>

## ACT Ambulance Service

- 3.28 The ACT Ambulance Service provides emergency and non-emergency ambulance services to the ACT community, including the SouthCare Aeromedical Rescue Service.<sup>56</sup> In the event of emergency bushfire situations, the Ambulance Service provides direct medical support to the ACT Rural Fire Service, the ACT Fire Brigade and ACT State Emergency Services. In addition, it manages emergency medical evacuations of medical facilities, nursing homes, respite care facilities as required and mass casualty incident planning. The Snowy Hydro SouthCare helicopter is employed in water bombing efforts when not in use for medical rescue services.<sup>57</sup>

## Fire Management Unit - TAMS

- 3.29 There is an additional unit with responsibility for fire prevention activities and that is the Fire Management Unit [FMU] within the Department of Territory and Municipal Services [TAMS]. TAMS, as the land manager for

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<sup>54</sup>

[http://www.esa.act.gov.au/ESAWebsite/content\\_ses/about\\_us\\_page/2007\\_oct\\_actses\\_business\\_plan\\_endorsed.pdf](http://www.esa.act.gov.au/ESAWebsite/content_ses/about_us_page/2007_oct_actses_business_plan_endorsed.pdf)

<sup>55</sup> <http://www.esa.act.gov.au>

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[http://www.esa.act.gov.au/ESAWebsite/content\\_actas/home\\_page/ambulance\\_home\\_page.html](http://www.esa.act.gov.au/ESAWebsite/content_actas/home_page/ambulance_home_page.html)

<sup>57</sup> Doogan, M, Coroner, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006.

the ACT, administers a considerable area of fire prone lands in parks, reserves and nature conservation areas. The TAMS FMU undertakes fire management responsibilities in accordance with the Bushfire Operational Plans.

- 3.30 The TAMS staff brigade currently comprises 142 fully trained fire fighters, 9 of whom are permanent officers within the dedicated Fire Management Unit. Fifteen fire fighters are operational staff in a dedicated fire crew and 12 are seasonal fire fighters. The remainder come from across Parks, Conservation and Lands. The actual establishment is 150 fire fighters but the number of fire fit crew varies at different points in time.<sup>58</sup>

### **Concerns about the ESA's current management structure**

- 3.31 The Committee heard from a number of witnesses at public hearing about concerns related to the new ESA management structure. One witness argued for more independence for each of the agencies, particularly in an emergency, stating:

But my feeling—and I hope it does not happen—is that, if a fire does start tomorrow, a big fire not a little one, the commissioner will step in and take control, and I do not think that is his role. I think it should be the head of that department, whether it is the Fire Brigade, RFS, ambulance or whatever. Whatever the incident is, the head of that department should be running it. The way the structure is at the moment, which we have not been consulted on, it does not allow for that.<sup>59</sup>

- 3.32 Another stated:

I certainly agree with what has been said so far, so I will not reiterate a lot of that. I think the current structure that has basically been forced down our throats does have way too many layers in it. If something goes wrong, you have got so many levels to get through. There are a lot of issues there.<sup>60</sup>

- 3.33 One of the issues of concern to some witnesses was the potential for the Commissioner to be isolated from the Minister, as a result of the increased management layers:

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<sup>58</sup> Mike Zissler, Transcript of Evidence, 20 June 2008, p 282

<sup>59</sup> David Wassall, Transcript of evidence, 14 March 2008, p 108

<sup>60</sup> Stephen Virtue, Transcript of evidence, 14 March 2008, p 108



When I originally joined the fire service, it was fire commissioner to minister—as simple as that—and that is how it operated. We now have, I think, three, four layers. So what you now have is the minister, chief executive officer, deputy chief executive officer, commissioner and now deputy commissioner of the fire services. So it is a fair way down the chain before you actually get to somebody. The operational decision is: it will be operationally paramount on that deputy commissioner to go straight to the minister in an event.<sup>61</sup>

- 3.34 Mr Prince noted that the Emergency Services Authority had not been particularly successful at bringing the four separate agency cultures together and that there was work still to be done. A cultural issue for Mr Prince was the difference between the volunteer forces and those employed on a permanent basis, such as the fire brigade and ambulance officers. He expressed concern that the responsibility of the Deputy Commissioner [Fire and Rescue] to manage three separate cultures would be difficult:<sup>62</sup>

The decision by the then commissioner, Peter Dunn, was to keep the separate cultures and have four separate chief officers, and that arrangement appeared to work very well and was working very well until the decision last year to actually change that. The pressure now on one person to manage three different cultures from one position, I believe, is quite difficult.<sup>63</sup>

- 3.35 One witness suggested that until the ACT had determined its 'appropriate level of protection' for the range of emergencies likely to affect the ACT public and the ACT, there was no adequate answer to the question about structure.<sup>64</sup> He was, however, critical of the administrative arrangement where one Deputy Commissioner had responsibility for the three different services.<sup>65</sup>

- 3.36 Mr Val Jeffery argued very strongly for a return to the independent Bushfire Council as it existed until shortly after self-government:

**Mr Jeffery:** I would recommend a step backwards to pre self-government, a step back to the old Bushfire Act, with an independent statutory

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<sup>61</sup> David Prince, Transcript of evidence, 21 February 2008, p 4

<sup>62</sup> David Prince, Transcript of evidence, 21 February 2008, p 5

<sup>63</sup> David Prince, Transcript of evidence, 21 February 2008, p 5

<sup>64</sup> Val Jeffery, Transcript of evidence, 14 March 2008, p 77

<sup>65</sup> Val Jeffery, Transcript of evidence, 14 March 2008, p 76

authority made up of people with an interest in the bushfire area, answerable only to the minister, as we were before. When I was chair of council, my responsibility was only to the minister. The minister never interfered with our operational roles. The bureaucracy did not interfere with them; the minister ensured they were not allowed to. I remember one senior bureaucrat describing it as the provision of rations and discipline, and that is all that is needed.<sup>66</sup>

- 3.37 Some examples of appropriate structures for emergency services in the ACT were cited at public hearing. Mr Michael Ross stated:

If I was to point to perhaps two structures that depended on where we might want to head as an organisation or as a government way in which to head as far as command and control goes, one structure you might think about is the Queensland structure where the Rural Fire Service and the Urban Fire Service are a combined unit but the issues of command and control and particularly of handover in certain areas, on the peri urban area, do not occur because you have one command structure. It took enormous teething pains to get that into place because of the different cultural views that are held in those fire services, which would also occur here, but it is a structure that is worth looking at.

Another structure which is also worth looking at and which works very well is one that is used in South Australia where the four chief officers of each of the services form the emergency services senior group, and those four emergency services senior officers, the four chief officers, report directly to the minister on all matters relating to emergency services. It is a very simple, streamlined process that enables quick, decisive processes particularly in times of emergency, because in times of emergency you do not want to have to go through layers of people to get the main decision makers in the process—in this case, it would be the minister for emergency services—to the table to get the information across. By the time it goes through four or five sets of hands, the message is not the same as it is coming from the people who are actually running the fire.<sup>67</sup>

- 3.38 While Mr Ross noted that the structure that was ultimately put in place was one decided by a group of which he had been a part, it was clearly a structure which did not have his full support:

It was not the favoured structure, purely because of my experience with fighting large fires around the place and knowing the command and control structure that needs to be put into place to run long-campaign

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<sup>66</sup> Val Jeffery, Transcript of evidence, 14 March 2008, p 26

<sup>67</sup> Michael Ross, Transcript of evidence, 14 March 2008, p 78

fires. I did—and I still do—not believe that the structure in place is able to achieve that.<sup>68</sup>

- 3.39 Mr Ross's concerns about the structure essentially related to the necessity to have full operational control, for instance the ability to be able to make decisions such as whether or not to put helicopters into the air or to bring in tankers from interstate:

The lesson learnt from the Canberra fires was that you had an operational arm, which you currently have now in the ACT, of the Rural Fire Service and indeed the ESA. But you also have now, as you did before 2003, the overarching administrative arm, if you like, in this case JACS.

The bureaucracy that we refer to when we talk about quite colloquially about this is the chains of approval that you have to go through to have something happen at an operational level. There are two aspects to it. The first is the physical fire event, where you have got a fire going and all of a sudden you need to have some very quick decisions being made. The incident controller should, by rights, have the right to make that decision and so should the commissioner or the deputy commissioner of the organisation.

But there is a hook on that. There is a hook in respect of: can we afford to get two more helicopters up here at a couple of thousand dollars an hour, can we afford to pay for some more fire trucks to come across from interstate, all those sorts of things? When they come into it, as a person running the fire, I do not want to have someone above me go through a process to get that back to me to tell me I can do it. I want to put the fire out. So you do not want to have that—for want of a better word—clutter above you in an emergency situation.

What you need—and I go back to my previous comments about what we need for the ACT—is a clear assurance from government or any government that the person commanding that fire has full and total autonomy to make decisions related to that fire. That is one aspect of the bureaucracy.<sup>69</sup>

- 3.40 The Committee notes that the Minister for Police and Emergency Services has established an Emergency Services Governance Committee which met for the first time on 20 October 2006 and now meets quarterly, or on an as needs basis. Membership of the Committee comprises the Minister, the

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<sup>68</sup> Michael Ross, Transcript of evidence, 14 March 2008, p 79

<sup>69</sup> Michael Ross, Transcript of Evidence, p 80

Chief Executive of JACS, the Emergency Services Commissioner and the two Deputy Commissioners. The Committee's function is 'to meet periodically for discussion of high level strategic issues affecting emergency services and to provide a transparent means for financial and management matters to be raised directly with the Minister'.<sup>70</sup>

- 3.41 The Government maintains that the new ESA structure is a 'more effective and unified command structure', with the retention of 'individual services for urban fire, rural fire, State Emergency Service and ambulances, each staffed with experts managing all operational aspects'.<sup>71</sup>

### **The Rural Fire Service**

- 3.42 The Committee took evidence from a number of volunteers, some of whom are Brigade Captains of the Rural Fire Service. Their evidence revealed that relations between the Rural Fire Service and the Emergency Services Agency, and the Commissioner may be troubled. Concerns expressed related to:

- ⇒ inadequate consultation on matters affecting volunteers in the RFS<sup>72</sup>; and
- ⇒ insufficient communication with the Commissioner<sup>73</sup>.

- 3.43 The Committee was also advised that exits of experienced personnel from the RFS were on the increase, explained by witnesses as due to difficulties with the current Commissioner of the ESA.<sup>74</sup> The Committee notes that, following representations to the Minister, meetings appear to have been held on a reasonably regular basis with the different elements of the ESA, JACS and the Minister.<sup>75</sup> The Committee also had limited opportunity to explore to what extent the RFS was losing experienced staff.

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<sup>70</sup> Email advice to Committee Secretary, 18 August 2008

<sup>71</sup> Submission 6, Minister for Police and Emergency Services, p 13

<sup>72</sup> Transcript of evidence, 14 March 2008, p 101

<sup>73</sup> Transcript of evidence, 14 March 2008, p 102

<sup>74</sup> Transcript of evidence, 14 March 2008, p 103

<sup>75</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p 17

### The culture of the ESA

- 3.44 The Committee is aware that there is an ongoing issue so far as the separate cultures of the elements of emergency services are concerned. To a certain extent this is a result of a partly 'professional' service and one that relies heavily on a volunteer workforce, principally in the Rural Fire Service and the SES. One of the commitments by JACS, following the re-integration of the ESA into that department, was to 'foster close and productive relationships with the volunteers that form a critical part of our emergency services response capacity'.<sup>76</sup>
- 3.45 The mechanisms by which this was to be achieved included regular meetings with volunteer representatives and the involvement of volunteer representatives in the development and implementation of the Agency's business plans.<sup>77</sup>
- 3.46 The Committee recognises that organisational culture is a significant issue. However, the Committee does not have the capacity to investigate or comment further on this matter at this time.

### The Emergency Services Authority and governance arrangements

- 3.47 The rationale for the Coroner's recommendation of a statutory authority for the delivery of emergency services was partly a desire to reduce unnecessary layers of bureaucracy between the agency and the responsible Minister and for decision making to be undertaken by knowledgeable and experienced officers.<sup>78</sup>
- 3.48 Whilst this recommendation was implemented in 2004, the ACT Government revised the arrangement in 2006 in order, it claimed, to reduce

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<sup>76</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p 17

<sup>77</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p 17

<sup>78</sup> Doogan, M, Coroner, *Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, p 216.

duplication of corporate functions and enhance financial management.<sup>79</sup> In response to the ACT Coroner's recommendations, the Government did not agree with the Coroner's recommendation, arguing that the *Emergencies Act 2004* ensured that operational decisions were made by the appropriate officers in the Emergency Services Agency and not by departmental bureaucrats.<sup>80</sup> The response further advised that the establishment of the Emergency Services Governance Committee also created more direct consultation between the Minister and the Emergency Services Agency.<sup>81</sup>

- 3.49 The Minister for Emergency Services defended the Government's decision to bring the ESA within the JACS umbrella on financial accountability grounds:

I now turn to the issue of the most appropriate form of governance and administrative arrangements for the ACT's emergency services and the involvement of ESA personnel, particularly volunteers, in decision making. Much of the evidence that the committee has heard to date focuses on the government's decision in 2006 to change the status of the ESA from a statutory authority to an agency within the Department of Justice and Community Safety. The key reason for this change was, and remains, budget accountability. The committee must recognise that, with emergency services, as it is with health or other vital services, there is always going to be a limited amount of funding available. There is no magic pudding to draw on to enable us to perform all of the things that we believe should or can be done.

The range of activities, programs and services that an emergency service provides is potentially limitless. That is why the government, like all other governments and emergency services around Australia and the world, takes a risk management approach—one that is proportionate having regard to the potential risk faced, its likelihood and its possible consequences if it is not ameliorated.

In 2004-05 and 2005-06, the ESA suffered major budget blow-outs in the order of \$5 million in each of those years. The independent nature of the authority, when it came to budget management, had a significant

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<sup>79</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 5

<sup>80</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 5.

<sup>81</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 5.

downside. There was no accountability for failure to manage the delivery of emergency services within budget—and, it should be highlighted, within a budget that was growing dramatically. Management of the ESA's budget and programs was required to be brought more directly under government control. Only in this way were the budget problems to be resolved. As the committee is aware, that problem has now been resolved.

In making the decision to establish the ESA as an agency of the Justice and Community Safety portfolio, the government was acutely aware of the need to ensure that operational decision making was unhindered by administrative arrangements and, indeed, independent of it. I would draw to the committee's attention the provisions of the Emergencies Act 2004 which provide for the independent powers and functions of the ESA Commissioner and the chief officers of each of the four services. These powers and functions are enshrined in legislation. They cannot be usurped or taken away by other public servants. These provisions provide for the operational independence that our emergency services need.<sup>82</sup>

- 3.50 The Committee is not convinced that the operational independence is as clear cut as advised. However, the Committee notes that there has not been an opportunity to test the current arrangements.
- 3.51 The Committee sought further details from the Minister in relation to the governance arrangements applying to the ESA as an authority. The letter and the Minister's response are at Appendix D. In his response, the Minister advised the following governance arrangements applied:
- ▢ the establishment of two advisory groups, the Commissioner's Advisory Group (CAG) and the Commissioner's Operational Group (COG), which met on alternative fortnights to discuss business and administrative matters, and operational matters respectively;
  - ▢ an Internal Audit Committee with an external Chair was established during 2004-05 and met seven times. The Committee's role included the oversight of the governance, risk and internal control environment and the review of annual financial statements;
  - ▢ the engagement by the ESA of Acumen Alliance to undertake a number of internal audits;
  - ▢ the establishment of a Finance Committee in November 2004, which met three times during 2004-05 and then generally on a monthly basis in 2005-06. The Finance Committee was chaired by the Director

- Corporate/Chief Finance Officer and provided advice in regard to financial management, strategy and policy and reviewed ESA monthly operating and capital performance against budget;
- ⇒ the existence of a Capability Board, chaired by the Assistant Commissioner and including representation from the four operational services and support areas. The Capability Board reported to CAG and its role included establishing a capability management system within ESA, development of project management systems and performing the role of a steering committee for projects;
- ⇒ Chief Executive Financial Instructions (CEFI), which were established within the first six months of the Authority's inception and provided an overall framework for financial operations within the Authority and appropriate financial delegations developed; and
- ⇒ financial management reporting to the Department of Treasury was provided by the Authority on a monthly, quarterly and/or annual basis as required. The 2004-05 and 2005-06 Financial Reports were audited by the ACT Auditor-General's Office

- 3.52 The Committee notes that the ESA was an entity under the *Financial Management Act 1996* [FMA Act] and was therefore primarily subject to scrutiny through its financial statements as set out in its annual reports. The Authority was required to adhere to the ACT's procurement legislation and policy. Amounts over \$1m were required to be approved by the Government Procurement Board.
- 3.53 The Committee notes that monthly, quarterly and/or annual reporting as required by Treasury comprised part of the external oversighting of expenditure by the Authority.
- 3.54 The Committee is concerned that, given the number of internal and external financial and governance controls, the Authority was still able to overspend its budget in two consecutive years by 10 per cent or \$6 – \$7m per annum. The Committee is not able to pursue these matters further with the Minister, owing to the imminent prorogation of the Assembly for the forthcoming election.



## The Bushfire Council

3.55 Chapter 6 of the Emergencies Act re-establishes the Bushfire Council as an advisory body. The role of the Bushfire Council is set out in the legislation as follows:

### 130 Functions of bushfire council

- (1) The bushfire council has the function of advising the Minister about matters relating to bushfires.
- (2) If the commissioner asks for the bushfire council's advice before exercising a function relating to bushfires, the council also has the function of advising the commissioner about the exercise of the function.

*Note* The commissioner must ask for the bushfire council's advice before exercising certain functions (see s 10).

- (3) The bushfire council may exercise any other function given to it under this Act or another territory law.

*Note* A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

3.56 Under the *Bushfire Act 1936*, the Bushfire Council was a statutory authority, with legal responsibility for the management of and response to bushfires. While the situation theoretically existed up until 2004, when the Act was repealed and replaced by the Emergencies Act, the Council had, in effect, abrogated its responsibilities to the ESB within JACS in the 1990s. Mr Jeffery noted at public hearing:

...the big problem was that a significant number of chairs and members of the Bushfire Council, in the intervening years between when I left and the fires, had conceded their roles to the bureaucracy. They were not prepared to stand up and fight for the independent role of the Bushfire Council. I think there are a lot of problems with the legality of what happened in 2003.<sup>83</sup>

3.57 The McLeod report recommended that the ACT Bushfire Council's function should be re-expressed to more accurately reflect its advisory role. That report found that, while 'the appearance that the Council is the controlling body of bushfire organisations in the ACT, for many years it has not

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<sup>83</sup>

Val Jeffery, Transcript of evidence, 13 March 2008, p 29

performed this role', but noted that it had developed into an advisory body, undertaking research activities and preparation of reports on selected topics of interest and concern to the Bushfire Service.<sup>84</sup> McLeod supported the continuation of the Council as an advisory body.

3.58 However, the Bushfire Council now has a significant consultative role, which extends its advisory role into operational matters. For example,

- ▢ the Commissioner must ask for, and consider, the Bushfire Council's advice before exercising a function relating to bushfires prescribed by regulation<sup>85</sup> and the Commissioner may ask for the Bushfire Council's advice in relation to the exercise of any other function relating to bushfires<sup>86</sup>; and
- ▢ the Bushfire Council must be consulted in relation to the following:
  - an appointment as Chief Officer of the Rural Fire Service<sup>87</sup> and Deputy Chief Officer [RFS]<sup>88</sup>;
  - the determination of the number of rural fire brigades for the rural fire service<sup>89</sup>;
  - the appointment of a volunteer member of the rural fire service to a senior rank of the service<sup>90</sup>.

3.59 The Commissioner must consult with the Bushfire Council about the following:

- ▢ the draft Strategic Bushfire Management Plan [SBMP] and monitor the scope and effectiveness of the plan in consultation with the Bushfire Council<sup>91</sup> ;
- ▢ in relation to any proposed amendments<sup>92</sup>
- ▢ the Commissioner must conduct an assessment, based on the SBMP of available resources and capabilities for bushfire prevention and

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<sup>84</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 223

<sup>85</sup> Emergencies Act 2004, s10(1)

<sup>86</sup> Emergencies Act 2004, s10(2)

<sup>87</sup> Emergencies Act 2004, s30(1)

<sup>88</sup> Emergencies Act 2004, s32(4)

<sup>89</sup> Emergencies Act 2004, s54(2)

<sup>90</sup> Emergencies Act 2004, s59C(3)

<sup>91</sup> Emergencies Act 2004. s72(2)(a) and s72(5) respectively

<sup>92</sup> Emergencies Act 2004. s72(6)

preparedness and must give that assessment to the Bushfire Council<sup>93</sup>;

- the Commissioner must comprehensively review the SBMP in consultation with the Bushfire Council every five years<sup>94</sup>; and
- any variation of the declared bushfire season from that set out in the Act<sup>95</sup>.

3.60 The Committee notes that Bushfire Council is required to meet at least every two months and the Chair of the Bushfire Council meets with the Minister every six weeks.

3.61 The Committee notes that the Government has commissioned the Bushfire Council to 'provide an independent and comprehensive report on the implementation of recommendations and to provide for an ongoing monitoring and review program'<sup>96</sup> in relation to agreed recommendations of the coronial inquiry. The Committee considers that it is curious to task the Bushfire Council with a matter which requires a degree of independence from the ESA, whereas the Bushfire Council is clearly an integral part of emergency services management. The Committee is concerned about this situation.

3.62 The Committee notes that the Bushfire Council in the past had a statutory role in the management of bushfires. However, that role eroded over time and the Council has now evolved into an advisory body. McLeod recognised this and made a recommendation that the actual functions of the Council be formally recognised, which the ACT government did in the Emergencies Act.

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<sup>93</sup> Emergencies Act 2004. s76

<sup>94</sup> Emergencies Act 2004. s80

<sup>95</sup> Emergencies Act 2004. s119

<sup>96</sup> Submission 6, Minister for Police and Emergency Services, p 5



## 4 FUNDING, STAFF TRAINING AND ACCOMMODATION

- 4.1 Resourcing of emergency services is a major issue. The maintenance and replacement of equipment requires significant capital expenditure and lead times, staffing is a challenge, partly because of the blend of salaried and volunteer staff and the special expertise required.
- 4.2 A number of recommendations in both the Coroner's and McLeod reports addressed staffing and resource issues. The major resource issues encompassed communications and accommodation and the major staffing issue was training.
- 4.3 One of the most potentially far-reaching recommendations by the Coroner regarded consideration of subcontracting the provision of fire services, or part thereof, eg bushfires, to NSW fire fighting services. The Committee notes that the ACT already contracts the Australian Federal Police to provide community policing services, but is aware that there is a requirement under the *Self-Government Act 1988* and the *Australian Federal Police Act 1979* for the AFP to provide the ACT's policing services. The Committee notes that the Government did not support this recommendation, but gave no explanation for this in its response.<sup>97</sup>

### Overall funding

- 4.4 The Committee acknowledges the significantly increased funding for emergency services since the 2003 fires. The Government submission to the Committee inquiry advised the following specific funding initiatives to date:
- ▢ the allocation of over \$197m to key agencies over and above base funding to support and enhance initiatives associated with prevention, preparedness, response and recovery;

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<sup>97</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 11

- the inclusion in the \$197m figure of over \$68m for response and recovery initiatives, approximately \$63m in implementing the recommendations of the McLeod Report, many of which are reflected in Coroner Doogan's recommendations, and \$66m dedicated to capital items such as infrastructure, vehicle and appliance replacement, communications and technology enhancements such as the Trunked Radio Network and Computer Aided Dispatch;
- significant funding to the Department of Territory and Municipal Services [TAMS], to recognise and reflect TAMS' land management responsibilities in the ACT and to ensure that TAMS maintained its 150 fully trained and equipped firefighters; and
- new capital and recurrent funding of \$15.768m over four years for a range of new resources and initiatives aimed directly at supporting frontline emergency services personnel.<sup>98</sup>

4.5 The Minister amplified the Government's approach to funding of emergency services at public hearing, noting that there had been consistently increased funding since 2003, resulting in real improvements to equipment and capacity:

Under the old arrangements... the Emergency Services Bureau—as it then was—total budget was in the order of \$36.189 million. In 2004-05, immediately following the terrible firestorm, it rose to \$64.245 million, in 2005-06 to \$67.471 million, and in 2006-07 to \$84.610 million. Basically, the budget is double what it was prior to 2003. This reflects the seriousness with which the government views the need to properly resource our emergency services.

I would say to the committee that this funding has produced very significant results. Firstly, the antiquated and out-of-date radio communications system, which completely failed on that fateful day in January 2003, has been replaced. The capacity and coverage of this new network is significant. It can manage a magnitude of voice messages far in excess of what was previously available and it gives our emergency services the ability to handle large volumes of messages in a full-scale emergency without compromising the system, as well as providing for interoperability with interstate services, particularly those in New South Wales, which would be absolutely vital in such a large-scale emergency. This is just one example of being better prepared and learning from 2003.

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<sup>98</sup>

Submission 6, Minister for Police and Emergency Services, pp 8-9

Another is the provision of community fire units across the territory. The government has provided for 38 CFUs in vulnerable areas along the urban interface. Over 700 volunteers are now associated with this program and this makes the CFU program the largest volunteer service in the ESA. It is another example of learning from 2003 and making sure residents are better prepared.

The government announced in the most recent budget the provision of \$100,000 to review and update the strategic bushfire management plan. This work is now well underway. I mention this because it is important to note that prior to 2003 there was no comprehensive or statutory program in place for fuel management in the ACT. Now there is, and the territory's land managers have undertaken significant fuel reduction work, including many prescribed burns in the urban, urban interface and rural areas of the ACT, as well as more mechanical means of fuel reduction...

I could also detail the government's budget decisions to fund the replacement of 32 fire-fighting vehicles, funding to train fire fighters in remote area fire fighting, a quarter of a million dollars for driver training for our RFS volunteers, over half a million dollars for an incident control system and leadership training of RFS volunteers, as well as other skills such as chainsaw operations training. I could detail the funding provided to the Bushfire Council to independently monitor the government's implementation of the agreed Coroner's recommendations. I could highlight the advanced lightning strike detection capability now available to ESA or the clear protocols now in place to provide timely warnings to the ACT community in the event of an emergency. Time clearly does not permit me to do so today. I simply reiterate these items to demonstrate to the committee that the government is committed to learning from the mistakes, the problems and the disaster that occurred in 2003 and that it is glib and misleading to assert that nothing has changed and that we are no better prepared.<sup>99</sup>

- 4.6 Neither the Coroner, nor McLeod was directly critical of funding levels for emergency services. However, increased funding was necessarily implied in many of their recommendations, which went directly to equipment, accommodation, training, land management, strategic planning and the like. The Committee has noted significant concerns about wasted expenditure, for example on FireLink and accommodation, and ineffective financial controls.

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<sup>99</sup> Transcript of Evidence, 19 March 2008, p 146

## Staff training and development

- 4.7 Staffing resources for each of the services is an issue. Two of the major services, the Rural Fire Service and the State Emergency Service, exist largely as a result of a very high level of volunteer staff and a small core of permanent officers. The hybrid nature of the RFS and SES, where there is a small permanent core of salaried personnel, within a largely voluntary organisation, complicates staffing arrangements, particularly recruitment and training. Volunteer numbers necessarily fluctuate over time.
- 4.8 The Government Response to the Coroner's report advised that the ACT Rural Fire Service had established and trained dedicated remote area crews to maintain a rapid response capability.<sup>100</sup>

## McLeod report

- 4.9 McLeod noted that:
- General fire fighter training and skills were not highlighted as deficient during the January 2003 event. The need for broader skilling in incident control roles was brought to the Inquiry's attention and some training deficits were discussed, but they did not appear to have a direct impact on the operational response during the emergency.<sup>101</sup>
- 4.10 While McLeod made some general recommendations in this area, principally for a detailed training plan and an outdoor training complex, he did highlight some possible options for training and development which he considered had merit. These included:
- use of interstate expertise, particularly citing a Victorian program to 'train the trainers' for seasonal fire fighters;
  - a formal exchange program or deliberate attachment during major campaign fires;
  - continued emphasis on Incident Control System training; and

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<sup>100</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 11

<sup>101</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p



- ▢ additional resources for the training in specific skills such as chainsaw use and driver expertise.<sup>102</sup>

### Coroner's report

4.11 The Coroner made the following recommendations in relation to training:

- ▢ that training of all personnel involved with emergency services be under constant review;
- ▢ that courses and programs be conducted to increase the level of Incident Control System training and augment the expertise of people who are likely to perform functions in an incident management team;
- ▢ that the ESA review the level of understanding among fire fighting personnel of the latest information available nationally and internationally about wildfire behaviour and suppression and provide additional training if warranted; and
- ▢ that the ACT government allocate sufficient funds to enable full-time and volunteer fire fighters to participate in relevant courses and programs

### Action taken by government

4.12 The Government response to the McLeod report advised that an initial allocation of over \$0.5m would be made for additional training and technology for ESB/authority personnel and volunteers, as well as signalling similar amounts in forward years and for approximately 150 full time equivalents of relevant Urban Services staff to undertake basic fire fighting training to meet national competencies levels.<sup>103</sup> The Committee notes that this aspect of the response appears to have been met.<sup>104</sup>

4.13 The response also advised that funding had been made available to augment capacity in the summer periods by an additional 24 staff and for related equipment and training, to increase the ability to respond more

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<sup>102</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, pp 141-142

<sup>103</sup> ACT Government response, *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 4

<sup>104</sup> Transcript of Evidence, 20 June 2008, p 283

quickly and extensively to fire outbreaks, particularly in remote areas.<sup>105</sup>

The Government further advised that additional staff would assist land management agencies in initial fire response and support fuel management and fire mitigation work when not directly combating fires.<sup>106</sup>

4.14 The response to the Coroner's report noted that many recommendations had already been partially or completely implemented. The response stated:

- ▢ the Emergency Services Agency had introduced competency-based training for all personnel involved in responding to incidents, with the level and type of training being regularly reviewed by the Agency;
- ▢ since 2003, training in high-level incident management functions has been provided by the ESA in accordance with national competency standards and targeted to officers who are likely to perform functions in an incident management team; and
- ▢ the ESA currently allocates funds to enable full-time and volunteer fire fighters to participate in relevant courses and programs, the nature and amount of training required being reviewed in consultation with full time and volunteer fire fighters.<sup>107</sup>

4.15 In relation to monitoring the latest research data, the response noted that ESA staff are members of a number of peak national and international bodies including Australasian Fire Authorities Council (AFAC), BushFire Cooperative Research Centre and the International Association of Wildland Fire-fighters, with information from the peak bodies being disseminated to fire fighting personnel, including volunteers, through workshops, seminars and annual conferences provided by Fire Authorities and Land Management Agencies across Australia.<sup>108</sup>

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<sup>105</sup> ACT Government response, *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 4

<sup>106</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 21.

<sup>107</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 9

<sup>108</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 8

- 4.16 The Committee notes that the ESA has developed the ESA Training Facility (formerly known as the Joint Emergency Services Training Academy) which provides relevant bushfire fighting training and assessment initiatives for full time and volunteer ESA staff. The training is reinforced with inter-agency fire management prevention, preparedness, response and recovery exercises.<sup>109</sup>

## Operational exercises

- 4.17 The Committee notes that a critical component of disaster preparation is undertaking appropriate exercises and many witnesses at public hearings confirmed this. Mr Prince, a former Acting Commissioner, stated:

The capacity and capability of any organisation to plan and then resource those plans come back to this exercising that I continually will reiterate. The training, the exercising of plans, is absolutely paramount for the community and for the people working in the organisation. If you consider that you put a plan together and you say that you have completed the plan, it can never be an appropriate plan until it has been tested, re-evaluated, reviewed and continually touched up, upgraded. So that is a continuing process. It does not matter if you have written a plan; you have got to use it and you have got to understand how to use it at the time of an event or an incident.

There are a number of factors that we need to anticipate. I believe, honestly and professionally, that a planning component, the exercising and training of both the community and emergency services personnel, is the key to the future.<sup>110</sup>

- 4.18 The previous Chief Officer of the Rural Fire Service argued operational exercises needed to be a constant and for the ESA to be resourced to that end:

Part of any emergency services preparation is major exercises. If you want a really good example of that, look at the London bombing. The reason

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<sup>109</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; Version 1; 2004*, p 55.

<sup>110</sup> Transcript of evidence, 21 February 2008, pp 18-19

that the London bombing was the success it was, just as Hurricane Katrina in America was the disaster that it was and the debacle that it was—

**DR FOSKEY:** I think you mean the response to it?

**Mr Ross:** The response to it, yes. I beg your pardon, yes. The reason was that the London bombing had been well and truly prepared for; it had been rehearsed and rehearsed and rehearsed; and they knew what they had to do when these things happen. If we do not do that in Canberra, we will have the same problem. But rehearsing takes time; it takes money; it takes preparation and it takes planning. If you have not got those things in place and you have not got the spare staff to do it—the Fire Brigade is a classic example—if they have an on and off shift and they take people off shift to do an exercise, they have to pay people overtime to come on and do that.<sup>111</sup>

- 4.19 The Strategic Bushfire Management Plan was commended by Mr Ross, but he argued that funding needed to be made available for exercises to reinforce the underlying strategy and maintain currency:

[The plan] was also about training; it was also about building up capacity. So that was the first real crack that we had at that. But again, once you come out with the findings of a long-term plan, you have to run that plan through to its conclusion and you have to do the work; you have to have the money to do the mitigation work; you have to have the money to do the training; you have to have the money to buy the equipment. If you cannot back up the plan that you have produced with a financial aspect, then you have lost that long-term vision.<sup>112</sup>

- 4.20 The Committee sought further information from the Minister for Police and Emergency Services about the number and type of exercises undertaken and programmed. The Committee was provided with a list of exercises which had been undertaken over the previous 12 months and was given the following statistical information:

- ▢ operational exercises were a common occurrence, with all elements of emergency services undertaking programmed exercises throughout the year;
- ▢ the ACT Fire Brigade participated in over 150 operational exercises for the 2006-2007 financial year; and

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<sup>111</sup> Michael Ross, Transcript of Evidence, 14 March 2008, p 86

<sup>112</sup> Michael Ross, Transcript of Evidence, 14 March 2008, p 86

- ▢ regular exercises had been undertaken with the NSW RFS and National Parks personnel and the ACT Fire Brigade had participated in Commonwealth organised events.
- 4.21 The Minister attached a list of exercises which had been held throughout the year. This list, together with the letter from the Minister, is at Appendix E.
- 4.22 While the Committee appreciates the information provided by the Minister, it was not able to make an accurate assessment on the value of the exercises undertaken, the numbers of personnel participating or the scope of the exercise so far as operational preparedness was concerned.

## Accommodation

- 4.23 At the time of the 2003 bushfires, the ESB was located on the site of the former North Curtin Primary School. McLeod noted:
 

At the height of the fires in January 2003, the facility proved seriously inadequate for dealing with the large number of people present as the crisis developed, the high volume of communications traffic, command and management functions, and the provision of public information and advice.<sup>113</sup>
- 4.24 The specific problems with the site itself include:
  - ▢ its location in the centre of a residential suburb and co-location with childcare facilities;
  - ▢ the open access to the public;
  - ▢ inadequate security for emergency services vehicles; and
  - ▢ the unsuitable building layout which did not facilitate the performance of emergency services functions.<sup>114</sup>
- 4.25 More importantly, McLeod noted the lack of an adequate operations facility accommodating Incident Control System functions of planning, operations and logistics, purpose-built liaison functions for police, the Bureau of

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<sup>113</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 113

<sup>114</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 113

Meteorology, utilities, relevant government departments and a media viewing and briefing facility.<sup>115</sup>

4.26 Further problems with the facility included:

- ▢ a limited uninterrupted power supply;
- ▢ poor capacity to 'ramp up' for an ongoing emergency;
- ▢ lack of air-conditioning other than in the communications and operations centre; and
- ▢ threats to the facility itself during the firestorm.<sup>116</sup>

4.27 In relation to emergency services accommodation, McLeod recommended that the Government upgrade the ESB's operational command and control facilities, either by refurbishing the Curtin facility or by locating to a more suitable site, 'where a more functional, longer term operations centre can be developed'.<sup>117</sup>

4.28 Following the McLeod report, the ACT Government undertook refurbishments to the facility in the 2003-04 financial year to provide an upgraded Operations Centre among other facilities.<sup>118</sup> The Government then advised that the ESA was to be relocated in the near future to purpose-built accommodation 'to more effectively meet the agency's functions and provide improved incident control system arrangements'.<sup>119</sup>

4.29 In 2006, the Coroner reaffirmed the comments in the McLeod report by specifically recommending that the ESA be relocated into accommodation that was purpose-built and more suited to the agency's operations than the Curtin facility.<sup>120</sup>

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<sup>115</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p

<sup>116</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , pp 113-114

<sup>117</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 233

<sup>118</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 16.

<sup>119</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 17.

<sup>120</sup> Doogan, M, *The Canberra Firestorm Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2,, p 216

4.30 The Government's preferred location for a new facility was ultimately identified as the Fairbairn RAAF base.<sup>121</sup> The suitability of the RAAF base as a command and control centre has been generally supported, but the length of time taken to have the facility prepared for occupation and the sums paid in rent for a facility which to date has a number of empty buildings and which is only occupied at present by the Rural Fire Service are matters of concern.

4.31 While access to and from the site may have been a concern initially, it appears that because most vehicles will not be dispatched from Fairbairn, that issue is not as significant as it might at first appear. The Minister and the former chief of the RFS both noted that most vehicles would be dispatched from elsewhere.<sup>122</sup> So far as the suitability of the site is concerned as a command centre, the former Chief of the RFS was supportive:

Certainly because we had an air base there and a helicopter base there, it actually suited the RFS quite well. I think the downside of moving to Fairbairn for the RFS is that it has become fractured from the rest of the ESA. The game plan was that the RFS would go out there initially and then within 12 months the rest of the ESA would move out there. The fact that that has not happened, I think, has been to the detriment of the RFS because the RFS in some respects is out of the loop.<sup>123</sup>

4.32 To date, negotiations in relation to finalising accommodation at Fairbairn have not been concluded and only the RFS and some parts of corporate support are currently located there. It appears that the Fairbairn facility will now not be the single central command point. The Minister advised at public hearing:

The first is the issues around command personnel for more serious incidents. Once an incident gets to a particular scale you need people with particular expertise to oversight the command of that incident. Some of those people will be located at Fairbairn. The government will be further decentralising, if you like, some of those command elements so that they

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<sup>121</sup> Transcript of evidence; 2 November 2007, pp 40-2.

<sup>122</sup> Transcript of evidence, 19 March 2008, p 180 and 14 March 2008, p 87

<sup>123</sup> Transcript of evidence, 14 March 2008, p 87

are available at the other ESA stations, thereby diminishing the requirement for them needing to be located at Fairbairn.

The only other elements that are potentially located at Fairbairn are some of the more specialist response capability, in particular the fire brigades, urban search and rescue and chemical, biological and radiological response capability, which basically is a series of large vehicles that carry the equipment that is needed for that type of incident.

We believe Fairbairn is well located to deal with the type of response that those vehicles would be involved in because it is close to the Parliamentary Triangle and Civic in particular, which is where many of our large buildings and significant buildings are located and where building collapse and so on would be more likely to be an issue.<sup>124</sup>

4.33 The Commissioner further advised:

The headline is that we are well advanced in the detail level of planning, the arrangements with the airport following the review of our size and scope resulting from the 2006 budget, because we have something like 60 or 70 fewer staff. So we have done that review and those contracts. The detail of that is being worked up so that we have a specification to give to the builders at the airport.

That is being managed by a departmental committee with TAMS Property, Chief Minister's Department, Planning and ourselves so that whole process is being overseen by an interdepartmental committee to make sure that any hiccups or hurdles can be dealt with quickly at a senior level. I am quite pleased with the progress of that.<sup>125</sup>

4.34 In November 2007, the Minister advised that progress was consequential on the finalising of the enterprise bargaining agreement with the ACT Fire Brigade.<sup>126</sup> In the Canberra Times on 23 July 2008, the Minister made a number of comments on the Fairbairn facility and accommodation expenses:

- ▮ rent amounting to almost \$4m had been paid on several buildings at Fairbairn since June 2006;
- ▮ fewer dedicated ESA staff now needed to be accommodated in the headquarters facility;

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<sup>124</sup> Transcript of evidence, 19 March 2008, p 180

<sup>125</sup> Transcript of evidence, 19 March 2008, p 181

<sup>126</sup> Canberra Times, 23 July 2008, p 2



- ▢ the Government was in the process of re-negotiating the rental contract and anticipated lower rental payments; and
- ▢ the Government planned to spend \$18.4m on a new headquarters facility at Fairbairn, anticipated for completion in October 2009.<sup>127</sup>

4.35 The Committee considers that to take five years from the bushfire disaster and the McLeod report to finalise ESA accommodation is overly long, especially as the new headquarters building will not be completed until late 2009.

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<sup>127</sup> Canberra Times, 23 July 2008, p 2

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## 5 LAND MANAGEMENT

- 5.1 Land management is a fundamental component of operational preparedness. Land management issues have figured extensively in many of the reviews to date. The McBeth and Glenn reviews in particular focussed on land management issues, specifically fuel loads and fuel load management. There is a view that failure to adequately address the issues in those reports directly led to the excessive fuel loads which contributed to the scale of the disaster in 2003.
- 5.2 The preparation for the 2003 bushfires was a highly significant issue for the McLeod and coronial inquiries and both reports made many recommendations in relation to aspects of land management. McLeod noted the opposing arguments in favour of controlled burning and against. He noted that, given the heavy fuel loads and the extreme dryness of the fuel, more fuel reduction burning would have helped contain the fires that resulted from the lightning strikes, but was less confident in finding that it would have had a significant impact on fire behaviour on 17 and 18 January<sup>128</sup>, stating:
- The extreme conditions on this two days meant that forest fuel loads – regardless of the ground fuels and lesser vegetation that would have been removed with fuel-reduction burning – exacerbated the severe fire conditions that eventually affected ACT rural areas and Canberra suburbs.<sup>129</sup>
- 5.3 McLeod went on to conclude that 'fuel management through controlled burning is the only practicable way of reducing the excessive build-up of fuel loads in the ACT's extensive areas of park and forest'.<sup>130</sup>

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<sup>128</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 90

<sup>129</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 90

<sup>130</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 90

- 5.4 The Coroner recommended that a hazard reduction program be introduced, involving regular and strategic burning in all areas of the ACT, with a view to reducing fuel 'in a pattern across the landscape, excluding only small areas of particular ecological or conservation importance'.<sup>131</sup>
- 5.5 This chapter will concentrate on land management practices and fuel management arrangements with other states.

## Land management practices and fires

- 5.6 Fuel load management and land planning are essential elements of preparedness for a bushfire season. These issues have been dealt with extensively by experts in previous inquiries<sup>132</sup> and the Committee considers that its comment must be restricted to the adequacy of the current procedures to deliver adequate preventative measures and to enhance fire suppression, once a fire is underway.
- 5.7 Questions as to why fire suppression responses were not as rapid as they could have been and why land management practices that mitigate fire damage, such as management of fuel loads and maintenance of fire trails, were not implemented to more effective standards, were raised as major issues in the House of Representatives Select Committee's inquiry<sup>133</sup>, the McLeod report and the Coroner's report.

## Strategic Bushfire Management Plan

- 5.8 The basis of the ACT's bushfire prevention strategy is the Strategic Bushfire Management Plan [SBMP], as provided for under the *Emergencies Act 2004*.

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<sup>131</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 218

<sup>132</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006,. McLeod, R (2003), *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, Canberra. McBeth, H (1994), *The Fire Hazard Reduction Practices of the Australian Capital Territory Government*; ACT Parks and Conservation Service, unpublished. Glenn, G (1995) *Report of the Taskforce on Fuel Management Practices in the ACT*.

<sup>133</sup> Select Committee on Recent Australian bushfires, *A Nation Charred: Inquiry into the Recent Australian Bushfires*, October 2003, p 3

The SBMP is underpinned by Bushfire Operational Plans, which are prepared by land managers.

- 5.9 Under the legislation, the Minister must make a Strategic Bushfire Management Plan for the ACT, with the Emergency Services Commissioner being responsible for preparing the draft plan.<sup>134</sup> The ACT Bushfire Council must be consulted in preparing the draft and any impacts of the plan on land management must be taken into account.<sup>135</sup>
- 5.10 Under the legislation, the SBMP provides for:
- ▢ bushfire hazard assessment and risk analysis;
  - ▢ bushfire prevention, including hazard reduction; and
  - ▢ agency and community preparation and response in relation to bushfires.<sup>136</sup>
- 5.11 The Act specifically states that the SBMP must include such matters as:
- (a) a statement of strategic objectives for the plan;
  - (b) a description of the bushfire environment;
  - (c) a summary of known bushfire causes;
  - (d) a risk assessment of factors contributing to bushfires and the spread of bushfires;
  - (e) a list of public assets (including cultural and ecological assets) vulnerable to bushfire;
  - (f) a list of privately-owned assets of public interest vulnerable to bushfire;
  - (g) strategies for prevention of, and preparedness for, bushfires;
  - (h) strategies for access for response and fire management activities;
  - (i) a statement of strategies for research and monitoring of bushfire risk;
  - (j) a statement of strategies for recovery after a bushfire;
  - (k) a statement of resources needed to meet the objectives of the plan;
  - (l) anything else prescribed by regulation.<sup>137</sup>
- 5.12 The legislation further provides for the plan to set out:
- (a) requirements for owners or managers of land for the prevention of, and preparedness for, bushfires; and
- Example**  
location and maintenance of fire trails
- (b) requirements for a bushfire operational plan.

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<sup>134</sup> *Emergencies Act 2004*, section 72

<sup>135</sup> *Emergencies Act 2004*, section 72

<sup>136</sup> *Emergencies Act 2004*, s 74

<sup>137</sup> *Emergencies Act 2004*, s 74 (2)

**Examples**

- 1 prevention activities
- 2 preparedness activities
- 3 performance indicators for activities<sup>138</sup>

5.13 The plan sets out its overarching strategic objective as the minimisation of the likelihood of bushfires and their negative consequences.<sup>139</sup> The plan then sets out a number of strategic objectives 'that provide an integrated framework for the identification of strategies and actions for implementation', which are:

- To understand fire causes in their social, economic, ecological and political context in order to establish priorities for prevention, preparedness, response and recovery.
- To provide information for decision-making to all functions of fire management and stakeholders at all levels - and keep ACT residents informed and consulted.
- To ensure the community is aware, capable and informed so that it can effectively share the fire management responsibility.
- To ensure people, planning, equipment, systems and processes to contain or suppress bushfires are capable of doing so and are ready to respond.
- To ensure rapid and appropriate responses to all bushfires in the ACT with the capacity to contain or suppress both small and large fires.
- To ensure effective and efficient implementation of management decisions to restore the social and environmental infrastructure to a working, useful and balanced state.
- To measure the effectiveness of the SBMP and subordinate plans.
- To confirm the effective implementation of the SBMP.<sup>140</sup>

5.14 ACT Government agencies are required under the Emergencies Act to provide details of the implementation of the SBMP on lands they manage, including approved bushfire operational plans, in agency annual reports. The explanation must include details of any areas of unleased Territory land, or land occupied by the Territory, used by an agency or by someone on behalf of an agency. For added independence, land management

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<sup>138</sup> *Emergencies Act 2004*, s 74 (3)

<sup>139</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1;2004*, p 1

<sup>140</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1;2004*, p 2

agencies including TAMS, LDA and ACTPLA use external auditors for the review.<sup>141</sup>

- 5.15 Compliance audits may also be carried out under the Act to review compliance with the fire prevention obligations of land managers as set out in the SBMP, operational plans and land management agreements. Inspectors are authorised to enter land with prior notice for the purpose of carrying out compliance audits and for other purposes.<sup>142</sup>
- 5.16 The Act requires that the SBMP be comprehensively reviewed at intervals of no more than five years in order to keep it up to date. Version 1 was released in January 2005; the Plan must therefore be reviewed before January 2010. However, the Government initially gave a commitment to releasing Version 2 by July of 2005. The Coroner's report in 2006 also recommended that version two of the Strategic Bushfire Management Plan be completed and introduced as early as possible.<sup>143</sup> ESA commenced the review during the 2006-07 financial year and the Government advised in its response to the Coroner's report that it was committed to releasing a draft Strategic Bushfire Management Plan by June 2008, with completion anticipated by 2009.<sup>144</sup> JACS advises that the revision aims to significantly improve 'the detail of fire protection analysis and prevention planning, resulting in a community accessible and reader friendly document that will be useful for planners, fire-fighters and residents'.<sup>145</sup>
- 5.17 More recent advice from the Minister indicates that the draft will not be available for public consultation at this time.<sup>146</sup>

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<sup>141</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 11.

<sup>142</sup> *Emergencies Act 2004*, section 72

<sup>143</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 217.

<sup>144</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 10.

<sup>145</sup> ACT Department of Justice and Community Safety Annual Report 2006-2007, ACT Department of Justice and Community Safety, 2007, p 259.

<sup>146</sup> Correspondence from the Minister for Police and Emergency Services, 19 June 2008

5.18 The Committee has been provided with an early draft of Version 2 of the SBMP but considers that this draft is at an early development stage and is not yet at the point where it could be considered by the Bushfire Council or be released for public consultation. This second version of the SBMP is now three years overdue. The Committee is very concerned about the delay, particularly as the Coroner made a specific recommendation that Version 2 of the SBMP be completed and introduced without delay.<sup>147</sup>

5.19 The Coroner noted that the SBMP must provide:

... a basis for bushfire hazard assessment and risk analysis and bushfire prevention – including hazard reduction and agency and community preparation for and response to bushfires. It must also include a statement of strategic objectives, a risk assessment of factors contributing to bushfires, lists of vulnerable public assets, and strategies for prevention and preparedness for bushfires.<sup>148</sup>

### **Bushfire Operational Plans**

5.20 Bushfire operational plans [BOPs] are required to be prepared under the legislation and in accordance with the SBMP, by land managers in the Territory and owners of land in a bushfire abatement zone.<sup>149</sup> BOPs are required to identify the timing and location of hazard reduction programs in any specific year and are required to be updated at least every two years.<sup>150</sup>

5.21 The dispersed responsibility for land management in the ACT is problematic. Responsibility as land managers falls either to the Chief Minister, as Minister for the Environment, or to the Minister for Territory and Municipal Services. Responsibility for land management in the ACT lies as follows:

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<sup>147</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 217

<sup>148</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 215

<sup>149</sup> *Emergencies Act 2004*, s 78(1)

<sup>150</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1;2004*, p 10.



- ⇒ nature parks are the responsibility of the Chief Minister as Minister for the Environment;
- ⇒ grassed areas inside the urban area, such as the walkways between the suburbs, verges along the major highways and parklands within the urban area itself, are the responsibility of the Minister for Territory and Municipal Services; and
- ⇒ the buffer zone between the urban edge and the nature parks is also the responsibility of the Chief Minister as Minister for the Environment.<sup>151</sup>

5.22 The Committee considers that this fragmentation of responsibility compromises the effectiveness of land management.

### **Fire access**

- 5.23 Both the McLeod and Coroner's reports emphasised the need for adequate fire tracks, trails and access roads to be established and maintained to allow direct fire suppression operations. Following a risk assessment on ACT access needs, some additional access trail upgrades and additional fuel reduction measures were undertaken in 2003 and 2004 in response to the McLeod report.<sup>152</sup>
- 5.24 Recommendation 38 of the Coroner's report supported the ongoing maintenance of a strategic fire trail network, as well as an additional network of fire trails to allow a rapid response. The Government response agreed that ongoing maintenance was necessary but did not support the expansion of an access network across the entire ACT area to allow direct fire suppression operations, stating:

The ACT Government supports the development and maintenance of a strategic fire trail network. However, it is not practicable to provide a network of fire trails to allow direct fire suppression operations across the entire ACT as this would require an extensive grid of trails

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<sup>151</sup> Transcript of Evidence, 11 April 2008, p 189

<sup>152</sup> *ACT Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 2.

across the Territory. Instead, in remote areas other suppression strategies are employed, such as deployment of remote area crews.<sup>153</sup>

- 5.25 The Government's preferred approach to remote area fire suppression was to employ other strategies, such as the use of remote area crews.<sup>154</sup>
- 5.26 Current fire trail and access roads, as well as some planned additional fire trails and potential future trails, are mapped in the SBMP. Before additional trails can be formally incorporated as a fire trail they require a standard investigation process prior to construction, including a development application and environmental assessment.<sup>155</sup> Details of maintenance, upgrade and construction of fire trails are specified in BOPs. Government officials at public hearing advised that current fire trails are adequate and being appropriately managed.<sup>156</sup>
- 5.27 The SBMP requires access networks to be monitored regularly and inspected periodically to ensure trafficable fire access trails. The plan also proposes that these audits be used to assist volunteer and senior fire fighters to improve their familiarity with remote areas of the ACT.<sup>157</sup> Additionally, the Emergencies Act 'provides for the inspection of all lands to ensure that bushfire management activities are consistent with the Strategic Bushfire Management Plan'.<sup>158</sup>
- 5.28 In developing operational plans, land managers and owners 'design a strategic fire access network considering bushfire risk, the total long term

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<sup>153</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 17

<sup>154</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 17.

<sup>155</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*; Canberra, p 42.

<sup>156</sup> Transcript of Evidence, 13 March 2008, p 38

<sup>157</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*; 2004, p 45.

<sup>158</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*; 2004, p 14.

access requirements and associated ten year capital and recurrent maintenance costs'.<sup>159</sup>

- 5.29 The Committee considers that fire trails and access routes must be appropriately maintained and accessible during fire seasons to ensure adequate fire fighting access and a rapid response to remote fires.

### Fire/Fuel Management and exemptions

- 5.30 The issue of hazard reduction and fuel management in particular, has been raised by the majority of inquiries on ACT emergency management. Fuel management was the primary focus of the McBeth and Glenn reports, and featured in a number of recommendations in the Coroner's and McLeod reports. Evidence to the Committee suggests that hazard reduction burning is a major factor in strategies to reduce fire risk or to prevent fires.

- 5.31 Prescribed burning is allowed for under section 84 of the *Emergencies Act 2004* on Fire Fuel Reduction:

*The Chief Officer (Rural Fire Service) may, at any time in accordance with the strategic bushfire management plan and the Environment Protection Act 1997, light a controlled fire in a rural area for the purpose of reducing the risk of bushfire or the spread of bushfire.*

- 5.32 Some recommendations in the McLeod and coronial reports focussed on an increased emphasis on the use of prescribed burning in hazard reduction programs, including mosaic burning. Mosaic burning is burning in a pattern across a landscape in order to increase access for fire management and distribute fuel loadings across an area. It helps achieve a varying fire age spectrum across the landscape.<sup>160</sup> Mosaic burning takes into consideration different landscape uses and the associated risks of bushfires.

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<sup>159</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1; 2004*, p 45.

<sup>159</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1; 2004*, p 14.

<sup>159</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2007, p 13

<sup>160</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 219.

- 5.33 Bushfire Operational Plans created under the SBMP are required to delineate a pattern of mosaic burning.<sup>161</sup> This is recognised in the Strategic Bushfire Management Plan, which takes into account fire protection and land management considerations in fuel management zone classifications and standards.<sup>162</sup>
- 5.34 A regular program of prescribed burning of government managed land has been undertaken since 2003, in accordance with the Strategic Bushfire Management Plan.<sup>163</sup> However, the ACT Government considers it inappropriate for all areas of the ACT to be subjected to prescribed burning, for example on land managed for primary production.<sup>164</sup> During the 2006-2007 financial year, for example, the Department of Territory and Municipal Services (TAMS) identified 1 837 hectares of prescribed burning in its bushfire operations.<sup>165</sup>

### Responsibility of land managers for fuel loads

- 5.35 Allocation of responsibility for fuel management and hazard reduction is also a key consideration in fire planning and preparation. The Coroner's report recommended that land management agencies that control an area of land have primary responsibility for fuel management and prescribed burning processes in that area and further recommended that the ESA have authority over land management agencies and other landholders in order to implement preparedness and prevention measures.<sup>166</sup>
- 5.36 The *Emergencies Act 2004* sets out fuel management and hazard reduction responsibilities, requiring land managers to implement prescribed burning

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<sup>161</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 14.

<sup>162</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*, 2004, p 85.

<sup>163</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 14.

<sup>164</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 14.

<sup>165</sup> Department of Territory and Municipal Services, *Annual Report 2006-2007*, pp 153-4.

<sup>166</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 219.

- and the ESA to monitor and direct preparedness and prevention measures undertaken by land managers and land holders.<sup>167</sup> The Act provides the Commissioner with the authority to set requirements for owners and managers of land within the Strategic Bushfire Management Plan, including any measures for the prevention of, and preparedness for, bushfires such as fire trail location and maintenance.<sup>168</sup>
- 5.37 A Memorandum of Understanding [MOU] between the ESA and TAMS has been developed to underpin the responsibility of land managers to undertake initial response to fire on land under their care.<sup>169</sup>
- 5.38 The ACT Government's policy of shared responsibility for preparation and planning, including fuel management, is also emphasised in the Strategic Bushfire Management Plan, which requires all people involved in both informal and formal roles 'to take actions to prevent, prepare and respond to bushfires and then work on recovery'.<sup>170</sup>
- 5.39 The McLeod report further recommended that the approval process for prescribed burns time be simplified in order to maximise use of limited suitable weather conditions.<sup>171</sup> As a result, the Government implemented revised and flexible authorisations for land managers as well as amendments to procedures covering environmental protection authorisation for smoke emissions. All land managers now have revised and flexible authorisations.<sup>172</sup> The Strategic Bushfire Management Plan recognises that there is a limited window of suitable weather conditions for

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<sup>167</sup> *Emergencies Act 2004*, Part 5.3

<sup>168</sup> *Emergencies Act 2004*, Part 5.3

<sup>169</sup> *ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, 2007, p 18.

<sup>170</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; Version 1*; 2004, p 15.

<sup>171</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, 2003, p 231.

<sup>172</sup> *ACT Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, 12.

prescribed burning, consequently limiting the opportunity to schedule and implement burns.<sup>173</sup>

- 5.40 There is also an ongoing need for a public information and education strategy, as identified in the McLeod report<sup>174</sup>, to highlight the beneficial and protective aspects of prescribed burning as well as the inevitable inconveniences for ACT residents that result from burns, justifiable as they may be.
- 5.41 Following the 2003 bushfires, the ESA increased its community education and awareness capacity and included information about prescribed burning in its overall 2003 public information strategy.<sup>175</sup>
- 5.42 The SBMP provides for fuel reduction, its benefits, limits and relevant considerations:
- Bushfire fuel hazard is the only factor of bushfire behaviour that can be influenced by land managers and residents. Fuel management can reduce fire behaviour and severity; improve fire fighter safety; increase the probability of suppression; and reduce impacts of bushfires on natural and built assets. However, fuel management alone is not the panacea for bushfire protection and it will not eliminate future severe bushfires.<sup>176</sup>
- 5.43 The Glenn report recommended that more ongoing information could be provided by ESA on upcoming hazard reduction burns and progress to date with prescribed burning for the bushfire season, as well as to reinforce the beneficial and protective aspects of prescribed burning.<sup>177</sup>
- 5.44 The Coroner's report also highlighted the need for senior personnel in public land management agencies to have appropriate experience in fire

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<sup>173</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*, 2004, p 27.

<sup>174</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, 2003, p 213.

<sup>175</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 11.

<sup>176</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*, 2004, pp 41-44.

<sup>177</sup> Glenn, G, *Report of the Taskforce on Fuel Management Practices in the ACT*, 1995, p v.

management and to be provided with adequate resources and suitably trained and experienced staff to achieve successful implementation of fuel management programs.<sup>178</sup> As noted above, TAMS provides resources and training to staff in fire management positions and has also identified additional senior positions where fire management skills are necessary to ensure an appropriate level of expertise within the department.<sup>179</sup>

- 5.45 One of the concerns expressed by Mr Wayne West to the inquiry, was the danger posed to the ACT by surrounding NSW land and the management of those lands by NSW. He stated:

The danger that the ACT is presented with relates to New South Wales. The major damage done in 2003 was caused by the McIntyres Hut fire which originated in New South Wales. I do not see any joint bushfire management plan involving the ACT and the surrounding areas of New South Wales.<sup>180</sup>

- 5.46 Mr West suggested that the ACT needed to work with NSW on a joint bushfire management plan so the fires could be extinguished at an early stage.<sup>181</sup>

## Risk Management

- 5.47 A number of inquiries recommended that the ESA adopt more rigorous risk management processes with regard to bushfire incident prediction and management and enhancement of community information on the resulting strategies.<sup>182</sup>
- 5.48 As part of a risk management process, the Coroner's report also recommended that ESA conduct annual risk analysis of the prevailing conditions and circumstances and, with forecasting and consultation with

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<sup>178</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 219.

<sup>179</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 18 - 19.

<sup>180</sup> Transcript of evidence, 14 March 2008, p 93

<sup>181</sup> Transcript of evidence, 14 March 2008, p 94

<sup>182</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 216.

relevant ACT, NSW and federal agencies, develop strategies to ensure appropriate levels of preparedness during potentially severe fire seasons.<sup>183</sup> The ESA currently conducts an annual, seasonal risk analysis to assist preparedness and planning strategies for the season, in conjunction with BOM and the Bushfire Council.<sup>184</sup>

- 5.49 The Strategic Bushfire Management Plan<sup>185</sup> comprehensively outlines the ESA's risk management approach to incident management and prediction, along with the draft ACT Emergency Management Plan. These plans have led to the development of strategies and protocols to improve community information and understanding of bushfire risks and risk management approaches 'including the All Hazards Warning System and the memoranda of understanding with media agencies about providing emergency information to the community'.<sup>186</sup>

## Roles and responsibilities – initial response

- 5.50 In addition to their responsibility to undertake adequate fuel management, land management agencies are responsible for the initial response to any fire on land under their care.<sup>187</sup> The *Emergencies Act 2004* requires land managers to 'take all reasonable steps to prevent and inhibit the outbreak and spread of fire on the land and to protect property from fire on the land or spreading from the land'.<sup>188</sup>
- 5.51 The Government response to the Coroner's report advised that the ESA is committed to developing a Commissioner's Guideline to coordinate the arrangements for the initial response by land management agencies and the

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<sup>183</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 216.

<sup>184</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 5-6.

<sup>185</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*; pp 31-34.

<sup>186</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 5-6.

<sup>187</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 17-18.

<sup>188</sup> *Emergencies Act 2004*, s 72



Rural Fire Service operational response on those lands. The Government stated:

The Emergency Services Agency will develop a Commissioner's Guideline that will ensure land management agencies have formalised arrangements for co-ordination of initial response over fires on the land they manage, within the overall operational response of the Rural Fire Service. This coordination will be through an identified rostered officer of Territory and Municipal Services who may become part of the Incident Management Team if it is established.<sup>189</sup>

- 5.52 The Commissioner of the ESA advised the Committee on 25 July 2007 that a Commissioner's guideline had not yet been established, but that the MOU between the ESA and TAMS, among other things, formalised rostering arrangements of senior TAMS staff for duty officer, stand-up and preformed incident management teams.<sup>190</sup>

- 5.53 Recommendation 40 in the Coroner's report stated:

That the policy and practice just recommended be the subject of a memorandum of understanding between the Emergency Services Agency and the Department of Territory and Municipal Services (previously the Department of Urban Services) or other relevant department or agency, so as to ensure that the land management agency on whose land a fire starts has responsibility to respond immediately to that fire in accordance with the applicable standards for weight of response. Further, the land management agency should be responsible for efforts to suppress fire until such time as it becomes clear that the suppression task is beyond the capacity of the agency, at which point the ACT Rural Fire Service should assume direct responsibility for coordinating the ongoing response.<sup>191</sup>

- 5.54 The Government did not entirely agree with the recommendation, stating that it was not in the interests of the community for land management

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<sup>189</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 17-8.

<sup>190</sup> Email to committee secretary, 25 July 2008

<sup>191</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 219

agencies to be responsible for the suppression of fires until the task escalated beyond their capability. The Government's view is that the Rural Fire Service provide support to land managers at the initial response stage and retain overall operational responsibility.<sup>192</sup>

## Land planning

5.55 Land planning and zoning is another key aspect of fire preparation and planning. The McLeod report recommended that the ACT adopt a similar approach and priorities as the Victorian Code of Practice for Fire Management on Public Land in defining fire abatement zones. The report recommended, in particular, that the north-west and western perimeter of Canberra and the Murrumbidgee River and the foothills of the Brindabella Range be more clearly defined as fire abatement zones.<sup>193</sup>

5.56 The SBMP defines three types of fuel management zones:

- ▢ the Asset Protection Zone (APZ), which is further subdivided into Home Asset Protection Zone, Inner Asset Protection Zone and Outer Asset Protection Zone;
- ▢ the Landscape Division Zone (LDZ); and
- ▢ the Land Management Zone (LMZ)

5.57 The zones have been identified in light of their principal land use. Primarily, that purpose is to protect life and property, although factors such as ecological or production requirements, proximity to natural or built assets and suitability for fire control operations are also considered.<sup>194</sup>

5.58 The ACT Coroner was concerned that the Land Management Zone, which covers approximately 70 per cent of the ACT landscape, would be excluded from prescribed burning because the primary objectives for that zone were conservation and biodiversity rather than fuel management. The Coroner felt that Land Management Zones should have a higher prescribed burning

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<sup>192</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 18.

<sup>193</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, 2003, pp 231 & 238.

<sup>194</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*; p 42.

emphasis, similar to that of the Landscape Division Zones<sup>195</sup>, and recommended that only a small area of ecological conservation importance be excluded from prescribed burning programs.<sup>196</sup> However, the Government disagreed with the Coroner about the exemption of only small areas of ecological significance from prescribed burning, stating:

The Government does not agree that the regime proposed [for the Land Management Zone] should be to a standard equivalent to those currently required in the corridors designated as the 'Landscape Division Zone'. The 'Landscape Division Zone' are areas where fuel management is a matter of priority and require regular hazard reduction over the entire zone to meet defined standards. Such an approach would be inconsistent with the recommended pattern of mosaic burning.<sup>197</sup>

- 5.59 The Government argued that areas 'where fuel management is a matter of priority and requires regular hazard reduction over the entire zone to meet defined standards' and that a similar approach in the Land Management Zones would be inconsistent with priorities in that zone.<sup>198</sup> The response did note that the priorities and treatments for all zones were to be reviewed in the development of SBMP version 2, stating in its response:

The review of the Strategic Bushfire Management Plan will include consideration of all aspects of the area designated as the 'Land Management Zone'. The 'Land Management Zone' currently describes areas in which the management of bushfire fuels is not the primary objective of land management and other values such as conservation of biodiversity is the principal driver of management actions. This review will involve consultation with affected land managers and the general public.

Consistent with this review Territory and Municipal Services will prepare Sub Regional Fire Management Plans to describe a desirable pattern of mosaic burning across the sub region to achieve fire

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<sup>195</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p, recommendations 33 and 34, p 219.

<sup>196</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 218.

<sup>197</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 16

<sup>198</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 15-16.

prevention and ecosystem management objectives for each discrete area.<sup>199</sup>

- 5.60 The fuel management zones also inform future planning and development within those zones. The McLeod report highlighted the necessity for protection planning principles, such as fire mitigation and suppression strategies, to be taken into account in future developments.<sup>200</sup> There is an additional need for future developments within the fire abatement zone and on the urban edge to comply with Building Code of Australia standards: *Australian Standard 395; Construction of Buildings in Bush Fire Prone Areas*.<sup>201</sup>
- 5.61 The Asset Protection Zone, for example, is defined around the built up urban area, particularly encompassing residential areas of identified bushfire risk. The three levels of Asset Protection Zoning will inform and apply to future urban and landscape planning and management.<sup>202</sup>
- 5.62 The construction of buildings and outbuildings, as well as residential garden design and maintenance will also be informed by the zoning as well as the building code standards. The Standards outline building design and construction requirements for bushfire-prone areas 'in order to improve their performance when subjected to burning debris, radiant heat or flame contact generated from a bushfire.'<sup>203</sup> The Planning and Land Authority also has a planning Guideline under the Territory Plan 'Planning for Bushfire Risk Mitigation' for planning in bushfire prone areas.<sup>204</sup>

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<sup>199</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 15-16

<sup>200</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Australian Capital Territory, 2007, p 230.

<sup>201</sup> Standards Australia (1999), AS 3959-1999 Construction of buildings in bushfire-prone areas, Standards Australia International, Sydney. <http://www.saiglobal.com/shop/script/Details.asp?DocN=stds000024859> accessed 15 October 2007.

<sup>202</sup> Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT*; p 13.

<sup>203</sup> Standards Australia (1999), AS 3959-1999 Construction of buildings in bushfire-prone areas, Standards Australia International, Sydney. <http://www.saiglobal.com/shop/script/Details.asp?DocN=stds000024859> accessed 15 October 2007.

<sup>204</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, 27-29.

- 5.63 These issues are reflected in the SBMP, requiring house design and construction standards for new developments to incorporate bushfire protection measures such as set back distances, vegetation and fuel management requirements.<sup>205</sup>

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<sup>205</sup> 13. Emergency Services Authority, *Strategic Bushfire Management Plan for the ACT; version 1*; 2004,



## 6 OPERATIONAL PREPAREDNESS

- 6.1 Communications, command and control procedures, as well as contingency arrangements with the Commonwealth and the states are vital elements of operational preparedness.

### Communications

- 6.2 During the 2003 bushfires there was a fundamental breakdown in communications during the afternoon of 18 January. The communications facilities and equipment therefore became the focus of discussion in both major inquiries following the fires.
- 6.3 The following areas of concern have been identified:
- ▢ the technological inadequacies of communication equipment at the time of the 2003 bushfires;
  - ▢ communications within and between agencies in the event of a major event;
  - ▢ cross border communications; and
  - ▢ communications with the public.

### Inquiry findings and recommendations

- 6.4 McLeod noted that the problems with radio communications included:
- ▢ inadequate coverage;
  - ▢ congestion on various networks;
  - ▢ overwhelming of the communications centre;
  - ▢ apparent shielding, possibly because of dense smoke;
  - ▢ inadequate ground-air communication;
  - ▢ difficulties with interoperability between the various fire fighting elements; and
  - ▢ insufficient quantities of equipment.<sup>206</sup>
- 6.5 The report stated:

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<sup>206</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 110

Communications are a vital element of safe fire fighting, and the highest priority should be given to ensuring that an adequate system is in operation to support all fire fighters, both in Canberra and in rural areas. Inadequacies in communication systems have been a recurrent theme in past coronial inquiries.<sup>207</sup>

- 6.6 McLeod noted that a number of projects were currently underway to improve communications, including a new computer aided dispatch system and radio communication system, and that funding of \$40m for capital and operating costs over four years had been made available by government for these improvements.<sup>208</sup> The Government response to McLeod, accepting his findings, advised of additional funds being made available to upgrade communications:

The Supplementary Appropriation provides \$0.173m in 2003/04 for the purchase and maintenance of communication and IT equipment to upgrade capacity pending the availability of a new facility...The Government also intends to upgrade broadband communications links to emergency fire, ambulance and volunteer stations. The Supplementary Appropriation provides \$0.66m in 2003/04 for this purpose (with \$0.44m in the forward years).<sup>209</sup>

- 6.7 While McLeod did not make specific recommendations in relation to communications equipment, his report did recommend that communications facilities generally be improved, in particular that operational command and control facilities be upgraded.<sup>210</sup>

### The technology

- 6.8 The McLeod report noted that on 18 January a very high volume of traffic was flowing through the Curtin headquarters and this traffic built up over

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<sup>207</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 110

<sup>208</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 111

<sup>209</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 6

<sup>210</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 233



the course of the day. The system became overloaded and the Operations Centre was unable to separate operational from non-operational traffic. The problem meant that not only was the general public unable to obtain accurate information, but the Operations Centre was unable to communicate with the fire fighters in the field or with the media. Some submissions advised that it was necessary to resort to personal mobile phones for operational communications.<sup>211</sup>

- 6.9 The Minister's submission does not comment on enhancements to communications equipment since the 2003 bushfires, except to state that a sum of \$66m had been 'dedicated to capital items such as infrastructure, vehicle and appliance replacement, communications and technology enhancements such as the Trunked Radio Network and Computer Aided Dispatch'.<sup>212</sup> However, at public hearing he advised:

...the antiquated and out-of-date radio communications system, which completely failed on that fateful day in January 2003, has been replaced. The capacity and coverage of this new network is significant. It can manage a magnitude of voice messages far in excess of what was previously available and it gives our emergency services the ability to handle large volumes of messages in a full-scale emergency without compromising the system, as well as providing for interoperability with interstate services, particularly those in New South Wales, which would be absolutely vital in such a large-scale emergency.<sup>213</sup>

- 6.10 The Committee considers that the communications equipment problems appear to have been addressed and that adequate equipment is currently available to the ESA.

### Interoperability of communications equipment

- 6.11 Submissions to the McLeod inquiry claimed that differences between ACT and NSW rural fire units' communication systems hindered the fire fighting effort.

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<sup>211</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 75

<sup>212</sup> Submission 6, Minister for Police and Emergency Services, p 9

<sup>213</sup> Transcript of evidence, 19 March 2008, pp 145-146

The differences were in radio systems and frequencies, unit call signs and signage, command structures, and communication protocols and procedures.<sup>214</sup>

- 6.12 As there were communications projects underway in the ESB at the time of finalising his report, McLeod made no specific recommendations in relation to communications equipment as noted above. However, he did note that, despite inherent difficulties, the continued pursuit of greater interoperability between emergency services organisations throughout Australia should continue to be a long-term aim.<sup>215</sup> McLeod notes that the difficulty in this objective is the different communications approaches throughout Australia are related to decisions taken by separate jurisdictions at different times, seeking to take best advantage of rapidly changing technology and the high cost of replacement goes against easy adoption of a more national approach.<sup>216</sup>

- 6.13 The Coroner was more specific in her recommendation, stating:

...the Emergency Services Agency review the communications systems used by the four services [the ACT Ambulance Service, the ACT Rural Fire Service, the ACT State Emergency Service and the ACT Fire Brigade] by the Australian Federal Police, by NSW emergency services and by aircraft and ensure the systems are compatible.<sup>217</sup>

- 6.14 The Minister advised in his submission and at public hearing that significant expenditure had been made on upgrading communications capacity of the Trunked Radio Network and Computer Aided Dispatch and that the following specific enhancements were the result:

- ⇒ the antiquated radio communications system had been replaced by a network of enhanced capacity and coverage, giving emergency services the ability to handle large volumes of messages in a full-scale emergency without compromising the system; and

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<sup>214</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 75

<sup>215</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 112

<sup>216</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, , p 111

<sup>217</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p, recommendation 20, p 217

- ▢ there was now interoperability with interstate services, particularly those in New South Wales.<sup>218</sup>

6.15 It appears that radio communications capacity has been enhanced and is now appropriate for the ESA's needs.

## FireLink

6.16 Following the 2003 bushfires and comments in the McLeod Report, the ESA, under Commissioner Peter Dunn, decided to procure the FireLink system in 2004 as an enhancement to Emergency Services communications infrastructure.<sup>219</sup>

6.17 FireLink is a vehicle tracking system which physically consists of mobile data units installed in vehicles which transmit their location and send and receive general-purpose messages by text.<sup>220</sup> The Authority described the technology as:

...a capability for the provision of a strategic planning, monitoring and support of emergency services operations; a capability to 'see' its assets, particularly in rural areas, short messaging and 'collect' other environmental information in order to establish a real time comprehensive operating picture for the ESA.<sup>221</sup>

6.18 Following phase one implementation, the ESA withdrew the FireLink system from operation on 13 July 2007, as a result of two evaluations of Information and Computer Technology [ICT], subsequent to the absorption of the ESA into JACS. The reviews concluded that the system was unsuitable for the ESA's ongoing operations. In comment to the ABC on 13 July 2007, the Commissioner, Mr Gregor Manson, stated that the system was too sophisticated for the ACT's needs; the Commissioner was highly

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<sup>218</sup> Transcript of evidence, 19 March 2008, pp 145-146

<sup>219</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 111.

<sup>220</sup> Auditor-General, *The FireLink Project: Report no 5/2007*, p 3

<sup>221</sup> Auditor-General, *The FireLink Project: Report no 5/2007*, p 3

critical of the procurement decisions taken by his predecessor and of the project management.<sup>222</sup>

### The Auditor-General's report on FireLink

6.19 During the procurement phase, and after Stage 1 of FireLink had been delivered, but before Stage 2 was completed, the Auditor-General decided to undertake a review of the procurement and management process for the FireLink project, focussing on the quality of project management. The Auditor-General did not make any judgment on the technical suitability or otherwise of FireLink and that issue remains one of contention between the current Executive and the previous Commissioner of the Emergency Services Authority, Mr Peter Dunn.

6.20 The current ESA Commissioner advised that there was now available adequate technology at a lower cost, which the government had decided to implement rather than persevering with the FireLink project, particularly given that FireLink required some modification to be operationally reliable:

**Mr Manson:** We had two reviews of FireLink by some independent technical experts. Essentially, the system was not operating according to the objectives of the original program—to give us a real-time and accurate location of the vehicles in the field. Unfortunately, the system was unable to do that in a number of field tests and a number of live fires. While it worked sometimes, it just was not accurate enough to give me, in particular, confidence that what was on the screen was what was going on in the field. For that reason, it was not worth pursuing continued significant expenditure to make it work, given the new technologies which are now available at perhaps less than \$3,000 a vehicle as opposed to \$15,000 a vehicle for FireLink. It seemed prudent to consider that, as the cost comes down, we may be able to do this for considerably less, and better, in the future.<sup>223</sup>

6.21 Mr Dunn defended the FireLink project, arguing that FireLink had been thoroughly trialled, over a shorter chronological timeframe, but for the

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<sup>222</sup> <http://www.abc.net.au/news/stories/2007/07/13/1977482.htm>

<sup>223</sup> Transcript of evidence, 2 November 2007, p 98

required number of hours and in a real operational circumstance.<sup>224</sup> Mr Dunn advised that no other system at the time did what FireLink did. In response to a question about possible technical reasons for its withdrawal, he stated:

**Mr Dunn:** Not technical reasons. There is one big issue that I was concerned about with FireLink, and I certainly talked about this with the chief officers at the time, and that is that there were insufficient resources available to conduct—I will use management jargon—the change management process that needed to go along with this. Change management was really important in this case because what FireLink was going to do was provide a capability for incident controllers in the field, but also provide a capability for real-time, a common operating picture, into the emergency coordination centre, and that was a great boon.

The problem with that from the outset was that the Rural Fire Service still harboured a deep mistrust of Curtin and any direct linkage into Curtin was going to be problematic. More energy needed to be expended in that space. Also, there were views that it was not necessary to know electronically where vehicles and crews were and it was not necessary to know how much water was being carried, for example, in a resupply tanker or where helicopters were and the like to be able to vector them into a fire. It was not necessary to do that because the incident controller could do that on the ground because he or she knew how to do that.<sup>225</sup>

### The Auditor-General's findings

- 6.22 The Auditor-General, as noted above, did not comment on the technical capacity or suitability of FireLink. Her report focussed on project management and governance issues.
- 6.23 The Auditor-General noted that, following the fires, the ACT Government allocated \$26.7m to upgrade the communications systems of the ESB. The ESA subsequently allocated \$3.255m to the FireLink Project for the period up to 2005-2006, with funding for later years to be subject to Government approval.

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<sup>224</sup> Transcript of evidence, 20 June 2008, p 231

<sup>225</sup> Transcript of evidence, 20 June 2008, p 233

6.24 The Auditor-General's key findings were:

- ▢ there was no business case prepared to support the FireLink Project and no cost-benefit analysis of FireLink against alternative solutions;
- ▢ in procuring FireLink, the Authority identified an available product and then developed an accelerated procurement process around the identified product, with the knowledge that further customisation was required to satisfy the Statement of User Requirements;
- ▢ the procurement process failed to demonstrate clearly that the project would achieve a value-for-money outcome for the Territory;
- ▢ the Authority's consideration of risk for the FireLink Project was inadequate. In particular, the ESA generally underestimated the level of risk associated with delivering a complex ICT project, especially given the developmental nature of the proposed system;
- ▢ there was insufficient consultation with end users in the development of the Statement of User requirements;
- ▢ performance requirements for the system and the supplier were not adequately specified prior to execution of the contract, and continuous changes to the scope of the Project were not managed well;
- ▢ the FireLink technology required the ESA to adopt new business practices and processes. However, attention given to change management to facilitate the implementation of the new system was insufficient to ensure the support of various operational services, particularly the Rural Fire Service; and
- ▢ the FireLink system had several significant unresolved problems related to operational performance, reliability coverage and delays in communication. These problems led users to express a lack of confidence in the system. Further, there was a lack of action to follow-up on these unresolved issues from December 2006, while JACS and the Agency commissioned two consultants' reports on the ICT projects.<sup>226</sup>

6.25 The Committee notes that the ESA has spent \$4.5m on a project which was only ever partially implemented and ultimately withdrawn prior to completion shortly after initial implementation.

6.26 The Minister, on being asked about the withdrawal of FireLink at public hearing, advised:

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<sup>226</sup> Auditor-General, *The FireLink Project: Report no 5/2007*, pp 6-7

The Auditor-General in her report found that there were deficiencies in the scoping, planning, procurement and management of the project. As a result, the overall management of the project was neither efficient nor effective in delivering the intended outcomes to meet authority and agency operational needs. The Auditor-General found that there should be a requirement for all major ICT and other projects to be supported by a rigorous business case, including cost-benefit analysis of alternative options.

In her view, the procurement process failed to demonstrate clearly that the project would achieve a value for money outcome for the territory. The consideration to support a local and innovative company and the urgency of the proposal appeared to outweigh other considerations, including value for money. The authority's consideration of the project was inadequate. In particular, the authority generally underestimated the level of risk associated with delivering a complex ICT project, especially given the developmental nature of the proposed system. The statement of user requirements included in the FireLink contract did not include specific and measureable performance standards against which the system could be assessed or by which the performance of the contractors could be monitored.<sup>227</sup>

6.27 The Committee notes the comments of the Minister.

## Incident management and control

6.28 Adequate emergency preparation requires an effective incident command and control system. For some years the ACT has adopted the Australian Inter-Service Incident Management System Incident Control System [AIIMS]. The system has been developed by the Australasian Fire Authorities Council [AFAC], a peak fire and emergency services industry body, which describes the system as:

... a robust incident management system that will enable the seamless integration of activities and resources from multiple agencies when applied to the resolution of any emergency situation. It will operate effectively for any type of incident, imminent or actual, natural, industrial or civil, and the many other situations in which emergency management organisations will be involved.<sup>228</sup>

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<sup>227</sup> Transcript of Evidence, 20 June 2008, p 267

<sup>228</sup> <http://www.afac.com.au/awsv2/learning/aiims.htm>

- 6.29 AIIMS provides a common incident management framework, which can be applied to any size incident as it has the capability to respond as an incident grows in either size or complexity, and is appropriate for agencies large and small. The AFAC website states:

The significant advantage for the adoption of the AIIMS system is that it provides a single management structure that facilitates the bringing together of all resources - from one or several organisations - to work co-operatively and cohesively in resolving an incident.

- 6.30 The Committee notes that the AIIMS system has been adopted by all Australian fire and land management agencies and SESs. The ACT is a member of the AIIMS Steering Committee which reviews and updates AIIMS publications regularly.<sup>229</sup>
- 6.31 The McLeod report recommended that the ESA should establish joint Incident Control System [ICS] teams, which would include representatives from the ACT Rural Fire Service, the ACT Fire Brigade and TAMS, regardless of the location of the incident or the area of responsibility, to improve operational functionality.<sup>230</sup> The Government agreed to commit extra staffing, training and improved procedures for joint ICS teams to improve performance.<sup>231</sup>
- 6.32 The Coroner noted that the failure by the ESB to follow the AIIMS system hampered fire fighting activities in the field. The report made a number of recommendations relating to the operation and functions of ICS Teams, including:
- ▢ regular periodic reviews of changes to operational and management arrangements for dealing with wildfires and other emergencies, to ensure continued compliance with AIIMS; and
  - ▢ that appointments to functional positions within the incident management team be based solely on competence and experience

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<sup>229</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 6-7.

<sup>230</sup> McLeod, R *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 233

<sup>231</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 16



and be made by the Chief or Deputy Chief of the Rural Fire Service.<sup>232</sup>

6.33 The Government response advised that recommendation 11 had already been implemented, as the ESA had established a mechanism to undertake periodic reviews of the operating procedures for dealing with emergencies such as bushfires, including operational response and management, and incident management systems.<sup>233</sup>

6.34 In relation to recommendation 12, while the Government response stated that the recommendation had already been implemented in part, it went on to say:

The government agrees that agency and multi-agency incident management team positions should be filled by competent and experienced officers as per AIIMS. However, the government does not agree that the appointment of functional positions within the bushfire incident management team should always be made by the Chief Officer of the ACT Rural Fire Service. The Chief Officer delegates responsibility for managing an incident to the Incident Controller, and this person makes appointments based on skills, competence and experience as per AIIMS.<sup>234</sup>

6.35 The Committee considers that to advise that a matter has been implemented in part when in fact the recommendation is not agreed to is misleading. However, the Committee has no problem with the Government's view that the Chief Officer can delegate responsibility for the appointment of positions to the Incident Controller.

## Coordination and cooperation

6.36 One of the ongoing issues with emergency services in the ACT is inter-agency coordination and cooperation. The roles of each agency are

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<sup>232</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, recommendations 11 and 12, p 216

<sup>233</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 6-7.

<sup>234</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 7

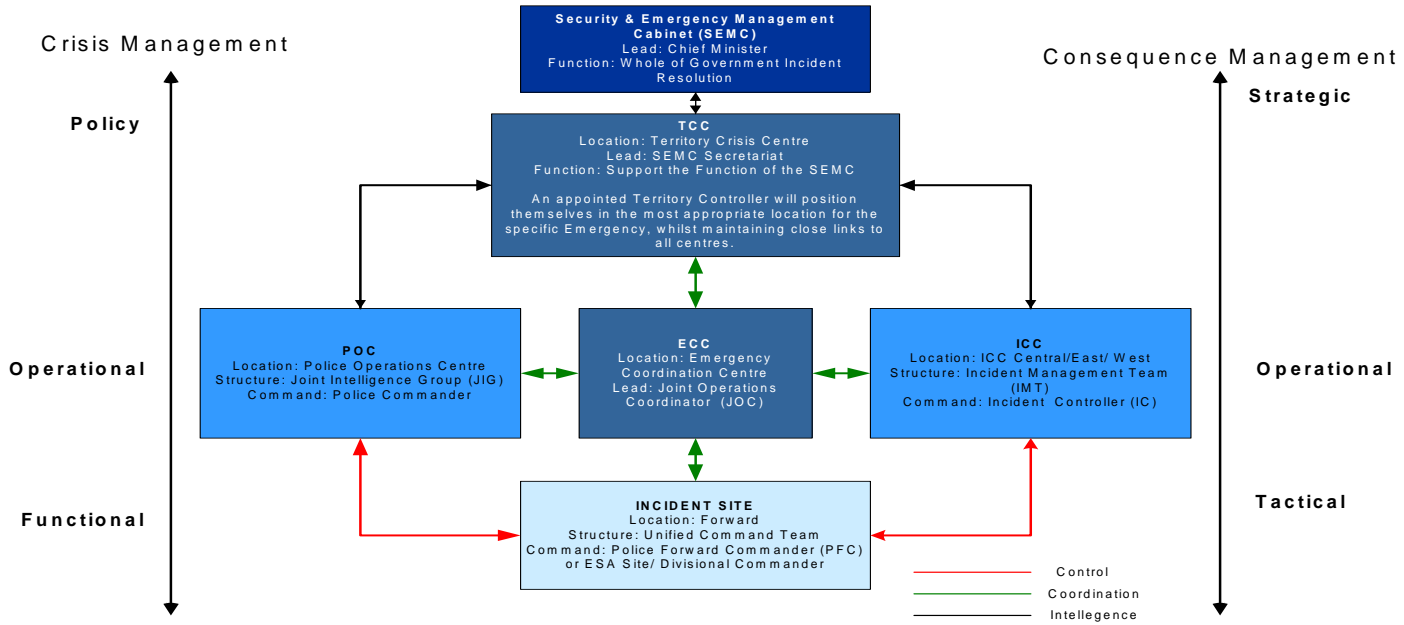
currently set out in the ACT Emergency Management Plan.<sup>235</sup> The ESA has also produced a diagrammatic representation of the ACT Management Structure in a Declared State of Emergency.<sup>236</sup> The document is reproduced below.

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<sup>235</sup> ACT Government Response to the recommendations of the Coroner in *'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003'*, 2007, p 19.

<sup>236</sup> Exhibit, tabled at public hearing, 19 March 2008

**Diagram 5.1: ACT Management Structure in a Declared State of Emergency**



- 6.37 The Committee is of the view that it is not clear from the above diagram what the lines of command and control are. No explanation of terms and command lines and no advice as to the composition of the various bodies was provided to the Committee by way of explanation.
- 6.38 The Committee is bemused by this apparent 'blueprint' for crisis management. The absence of any explanation as to the composition and role of the various bodies is a serious defect. The Committee considers that the document is confused and insufficiently self-explanatory to be a useful guide in an emergency.
- 6.39 One witness at public hearing was not convinced that command and control procedures during an incident had been adequately finalised:
- I would suggest that we still have considerable difference of opinion about handover control in certain areas in a major fire, particularly around the periphery, the peri urban area of Canberra, the grassland urban interface, and we have not exercised it enough to understand that.<sup>237</sup>
- 6.40 The Committee considers that the diagram, ACT Management Structure in a Declared State of Emergency, is inadequate for any purpose and should be dispensed with. There is potential for such documents to mislead and confuse. If the government is going to rely on a schematic as its blueprint for emergency management, it should ensure that the command and control lines are defined, logical and above all clear and unambiguous. The composition of the various committees should be attached to the schematic and explanation about their various roles and responsibilities set out.

## Inter-agency cooperation and consultation

- 6.41 The Coroner's report considered inter-agency cooperation, especially so far as the Australian Federal Police [AFP] and NSW were concerned. The Coroner found that the failure of the ESB to inform the AFP that there was a serious risk of fire reaching Canberra's suburbs gravely compromised the

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<sup>237</sup> Michael Ross, Transcript of evidence, 14 March 2008, p 82

AFP's ability to perform its role in the 2003 emergency.<sup>238</sup> The Coroner also found that the jurisdictional impediment created by the existence of the ACT-NSW border and the inadequate coordination arrangements between the two jurisdictions contributed to the severity of the firestorm.<sup>239</sup>

6.42 The Coroner's recommendations included:

- the AFP and the ESA were to maintain regular contact during fire emergencies, to ensure full dissemination of information;
- that the AFP and the ESA agree on a policy for community safety and evacuation during bushfires; and
- that the AFP and the ESA ensure that personnel in their respective organisations are fully briefed on the agreed policy on evacuations.<sup>240</sup>

6.43 Recommendations 45 and 46 of the Coroner's report related to liaison with the NSW authorities, recommending that the ESA:

- develop a new memorandum of understanding with the NSW Department of Environment and Conservation and the NSW Rural Fire Service, providing for liaison and joint operations, as soon as it becomes apparent that a fire will affect the other jurisdiction; and
- establish with the NSW Department of Environment and Conservation and the NSW Rural Fire Service a protocol to provide for the establishment of a joint incident management team as part of unified control arrangements based on the adoption of specified principles set out in the Coroner's report.<sup>241</sup>

6.44 The Government did not agree to recommendation 45, advising that the memoranda of understanding with the NSW Department of Environment and Conservation and the NSW Rural Fire Service had been reviewed and that, in the Government's view, there was no need to combine the two

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<sup>238</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 213

<sup>239</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 213

<sup>240</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2,, p 220

<sup>241</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2,, p 220

memoranda of understanding as they adequately covered the issues raised in the recommendation.<sup>242</sup>

- 6.45 The Government agreed in part to recommendation 46, advising that the current arrangements adequately covered the issues raised in the recommendation.<sup>243</sup>

- 6.46 The significance of close ties with NSW was emphasised at public hearing:

**Mr Jeffery:** It is very important that we have cooperation with New South Wales; there is no doubt in the world on that. We are a little island in the middle of New South Wales. We have always had quite efficient cooperation with New South Wales, in my experience in fires that I have been involved with across the border, which is quite a few over the years.

From what I understand, they fell down a bit in 2003. They are certainly enhanced now. I am not far away from the New South Wales border. We had an unwritten rule that we could go 15 kilometres into each other's areas and take charge of fires. As far as I am concerned, that still applies. If I get a fire up Smith Road and there is no-one else there to take control of it, I will be taking control of it.<sup>244</sup>

- 6.47 The Executive Director, Environment and Recreation in TAMS, advised the Committee that Parks, Conservation and Lands [PCL] meets with their counterparts in NSW on a six monthly basis or more frequently if necessary. Matters discussed at these meetings include fire, weeds, feral animals and access.<sup>245</sup>

- 6.48 In correspondence to the Committee, the Minister for Police and Emergency Services advised:

High level executive discussions have occurred with the Sydney Headquarters of the NSW Rural Fire Service and NSW Department of Environment and Climate Change (National Parks Division). In addition to this, discussions have occurred at the regional officer and officer level between the Emergency Services Agency and the NSW Rural Fire Service.

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<sup>242</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007,, p 20

<sup>243</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007,, p 20

<sup>244</sup> Transcript of evidence, 13 March 2008, pp 35-36

<sup>245</sup> Hamish McNulty, Executive Director, TAMS, response to questions taken on notice on 20 June 2008, 3 July 2008

An exercise is programmed shortly with Kosciusko National Park senior officers.<sup>246</sup>

### Memoranda of understanding

- 6.49 The Committee was also provided with the current Memoranda of Understanding [MOU] between the ACT and NSW agencies. It is clear from these documents and the schedule provided by the Minister that they are under regular review and many have been updated or initiated over the last several years.
- 6.50 The MOUs cover such areas as ambulance assistance, fire preparedness, response and suppression, fire investigation, mutual assistance in SES activity and hazardous goods. A full list of MOUs affecting emergency services is at Appendix E. The Committee notes that MOUs include partnerships with the NSW Rural Fire Service, NSW National Parks and Wildlife Services, the NSW Fire Brigade and NSW State Emergency Services.<sup>247</sup>
- 6.51 These documents set out procedures for cooperation and coordination of effort and the provision of shared resources and services for joint operations, planning and fire mitigation work, as well as shared training.<sup>248</sup> Both the ACT and NSW undertake risk assessments on the likelihood and potential impact of fire spreading from one jurisdiction to the other which are discussed at inter-jurisdictional meetings. The ACT Government has committed to formalising these processes with the surrounding regions of New South Wales.<sup>249</sup>

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<sup>246</sup> Minister for Police and Emergency Services, correspondence, 8 August 2008

<sup>247</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 2.

<sup>248</sup> Emergency Services Bureau, *Memorandum of Understanding between the ACT Emergency Services Bureau and the NSW Rural Fire Service*, pp 3-4.

<sup>249</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 21-2

## Role of the Australian Government

- 6.52 Emergency Management Australia [EMA], which sits within the Commonwealth Attorney-General's department, has as its primary objective 'to provide national leadership in the development of emergency management measures to reduce the risk to communities and manage the consequences of disasters'<sup>250</sup>. This organisation manages the Bushfire Mitigation Program, a national program aimed at identifying and addressing bushfire mitigation risk priorities across the nation. Initial funding was \$15m over three years, which was extended to another \$20m over four years, concluding in 2011. The program funds the construction, maintenance and signage of fire trail networks.<sup>251</sup>
- 6.53 EMA has a direct role in preparation for, and mitigation of, potential disasters as well as a role in recovery from a disaster, with responsibility for the following Australian Government programs:
- ▢ Natural Disaster Mitigation Program
  - ▢ Bushfire Mitigation Program
  - ▢ Natural Disaster Relief and Recovery Arrangements
  - ▢ National Aerial Fire fighting Arrangements.<sup>252</sup>
- 6.54 EMA is responsible for emergency management policy and provides support for the Australian Emergency Management Committee [AEMC] and the Ministerial Council for Police and Emergency Management [MCPEM]. The ACT's Minister for Police and Emergency Services is a member of MCPEM. The Emergency Services Commissioner, as Chair of the ACT Emergency Management Committee, is a member of AEMC.<sup>253</sup>

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<sup>250</sup> Emergency Management Australia, *This is EMA*, 2008, p 4

<sup>251</sup> [http://www.ema.gov.au/agd/ema/emainternet.nsf/Page/Communities\\_Natural\\_Disasters\\_BMP\\_Bushfire\\_Mitigation\\_Programme\\_\(BMP\)](http://www.ema.gov.au/agd/ema/emainternet.nsf/Page/Communities_Natural_Disasters_BMP_Bushfire_Mitigation_Programme_(BMP))

<sup>252</sup> Emergency Management Australia, *This is EMA*, 2008, p 5

<sup>253</sup> <http://www.ema.gov.au/agd/ema/emaInternet.nsf/Page/RWP3A99D5A22013AA3CCA256C4B001A18F9?OpenDocument>



- 6.55 The national emergency management arrangements provide for liaison, joint operations and mutual support in emergency situations from Australian Government, state, territory and local governments as well as the community. EMA is also active in supporting the states and territories in the development of mitigation and preparation strategies, including the provision of 'education, training, research, public awareness, information collection and dissemination activities' and providing meteorological and geological hazard warning and monitoring services when required.<sup>254</sup>
- 6.56 EMA coordinates the provision of physical assistance in the event of a major natural, technological or civil defence emergency when an emergency is beyond the response capacity and capability of the state or territory concerned. Financial assistance is also provided by the Australian Government.<sup>255</sup>
- 6.57 The Committee notes the ongoing and coordinating role of EMA and the financial assistance provided to the states and territories for emergency prevention and assistance.

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<sup>254</sup> Emergency Management Australia <<http://www.ema.gov.au/agd/ema/emaInternet.nsf/Page/RWP11A286E12CB5FCA3CA256C480004F92F?OpenDocument>>

<sup>255</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2007, p 157.



## 7 COMMUNITY EDUCATION AND AWARENESS

7.1 An effective community information program is critical in the event of an actual emergency and also to prepare for a possible emergency. The lack of public warnings until a very late stage, and untimely and inadequate dissemination of information to members of the Canberra community in the days and weeks leading up to the 2003 disaster, were much criticised by both the Coroner and McLeod.

7.2 The McLeod report noted:

One theme that runs through this report is the need for a greater involvement of the ACT community in helping itself with personal and property protection. This involves the authorities working in a closer partnership with the community, helping citizens to better understand the nature of the fire risks they face, what they can do about improving their personal and property protection, and what kind of assistance they can expect from government agencies.

7.3 The report's conclusions reflected this perspective and the recommendations included:

- ▢ additional funds to the ESB to upgrade its public education capability;
- ▢ encouragement of self help arrangements in the community;
- ▢ a greater focus on community information in media plans;
- ▢ the development of well-defined processes to support information delivery to the public;
- ▢ the improvement of media communications systems and facilities at ESB; and
- ▢ the employment of an experienced media director.<sup>256</sup>

7.4 The Coroner noted that a central consideration for her inquiry concerned warnings about the impact of wildfire on Canberra and nearby forestry

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<sup>256</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, pp 235-237

settlements and '[c]entral to this is the state of community awareness and preparation for such an event. The Coroner then set out in detail the community education and awareness campaigns which the ESB had established, which were limited in scope and audience and considered the information given to the community on 18 January 2003. The report concluded:

The community should have been told at first light that the authorities were not sure precisely where the fires would travel and precisely when, but that some impact was a certainty. Information in clear, precise and authoritative terms should have been delivered about the predictions that had been made the previous afternoon, identifying specific areas along the rural-urban interface and the forecast times of the predicted impact.<sup>257</sup>

7.5 The report further stated:

Until the first Standard Emergency Warning Signal [SEWS] was sounded at about 2:40 pm on Saturday, 18 January, there had been no official warnings to the people of Canberra. The SEWS message was too little, and it was delivered far too late.<sup>258</sup>

7.6 The Coroner recommended:

- ▢ the establishment of annual targets for community education programs and the provision of resources to conduct regular assessments of the level of community preparedness engendered as a result of the programs;
- ▢ continuation of the Bushfire Wise Program
- ▢ consultations and negotiations between NSW and the ACT to ensure coordination of fire risk and safety messages to the community;
- ▢ the publicising and demonstration of the Standard Emergency Warning Signal and the provision to the community of adequate explanation of the application of the signal;
- ▢ staffing of the ESA's Media Unit with professional, experienced information officers skilled in the dissemination of information and media management and liaison; and

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<sup>257</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 158

<sup>258</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 159.

- ▢ the development of a clear policy for disseminating information to the public and the media in times of emergency;
- ▢ the adoption of a system of public warnings which uses grid references on maps in the Canberra telephone directory.<sup>259</sup>

7.7 The Government response to McLeod accepted the criticisms made in relation to community information. The response advised:

- ▢ all ACT householders were to be provided with a bushfire awareness package prior to the start of the upcoming bushfire season on 1 October 2003 at an estimated cost of \$0.511m;
- ▢ the provision of \$0.4m in 2003-04 (and forward years) for the employment of community education and risk management officers;
- ▢ the development of an awareness package, including television, newspaper and radio advertising campaigns throughout the bushfire season to promote bushfire awareness; a new website to provide information and bushfire educational material; the use of events such as Floriade, the Canberra Show and Canberra Connect channels to promote bushfire awareness; brochures on fire-wise house design and construction and fire-wise garden design;
- ▢ a monitoring program to assess the effectiveness of these initiatives; and
- ▢ the development of a more comprehensive Public Information sub-plan to replace the existing media sub-plan of the ACT Emergency Plan, and which will provide for detailed annual implementation strategies to ensure the timely provision of information to the community and the media to plan, prepare, respond and recover from emergencies, including bushfires.<sup>260</sup>

7.8 The Coroner's report contained seven specific recommendations relating to community education and awareness – recommendations 43, 51, 52, 53, 54 62 and 66. The Government response advised that public awareness and community education would be a priority in the ESA's three year Business Plan. Specific actions include:

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<sup>259</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, pp 222-3

<sup>260</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003,, pp 5-6

- the development of a community education package through Fire Wise for educating both urban and rural communities about preparedness for bushfires;
- the production of 'Bushfires and the Bush Capital - A Guide for the ACT' and 'Emergencies and the National Capital - A residents guide';
- the establishment of memoranda of understanding with all major ACT media and Canberra Connect to ensure that the ACT community receives up to date information in an emergency;
- up-to-date research on the effectiveness of communication and strategies for bushfires awareness across Australia;
- updating the Bushfire Information Booklet and ongoing implementation of targeted community education programs about bushfires;
- continuing consultation between the ESA and NSW about further developing community education programs and risk and safety messages and the provision of joint information to the community about bushfires that may have cross-jurisdictional implications; and
- the employment of a media professional with strong links to the local media to ensure that the ACT community receives timely and accurate advice.<sup>261</sup>

7.9 Some recommendations addressed community awareness about house and garden design. The Government advised that ACTPLA had adopted 'Planning for Bushfire Risk Mitigation' as a planning Guideline under the Territory Plan and published two Firewise information brochures dealing with home design and construction and domestic gardens.

## Public warnings (leading up to and during an incident)

7.10 The management of public warning systems and appropriate dissemination of warnings and information to the ACT Community were recurring issues in the various inquiries.<sup>262</sup> The Coroner emphasised the need for adequate, meaningful and timely warnings to be provided to the community as

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<sup>261</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 23-26

<sup>262</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, pp 222-3.

emergency events unfolded,<sup>263</sup> to enable residents and businesses to make informed decisions on whether to evacuate or to prepare to remain behind and defend their properties. The Coroner concluded, for example, that residents affected by the 2003 bushfires would have acted differently if they had been provided with better warnings and information on what was likely to occur.<sup>264</sup>

- 7.11 Additionally, the Coroner's report recommended that ESA develop a clear policy for disseminating information to the public and media in the event of an emergency, preferably a progressive warning system escalated in accordance with a developing emergency.<sup>265</sup>
- 7.12 In response to these and other recommendations, the ESA has implemented a number of measures since the 2003 bushfires to enhance public communications and warning processes. For example, a Public Information Plan was developed in 2004 by the then ESB, in conjunction with all relevant agencies to replace the outdated Media Sub-Plan<sup>266</sup>. The Public Information Plan included a greater focus on providing high-quality and timely information to the public on planning, preparation, response and recovery from emergencies and also addressed media liaison during an emergency situation<sup>267</sup>.
- 7.13 The Plan included processes for regular broadcasts of alerts and updates during an emergency via both local radio and television, website updates and door-knocking of homes in the affected area (as necessary). The Media and Community Education unit is responsible for providing information to the ACT community and media support during emergencies. It is staffed

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<sup>263</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, pp 158-9.

<sup>264</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, pp 147.

<sup>265</sup> Doogan, M, *The Canberra Firestorm: Inquests and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003*, 2006, Vol 2, p 222.

<sup>266</sup> Department of Justice and Community Safety, *Annual Report 2003-2004*, p 77.

<sup>267</sup> *Government Response; Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 23

by information officers who are supported by a media professional with strong media links.<sup>268</sup>

- 7.14 Documents such as 'Bushfires and the Bush Capital - A Guide for the ACT' and 'Emergencies and the National Capital - A residents guide' also include details of the information and warnings policies.<sup>269</sup>
- 7.15 Additionally, ESA has established agreements with all major ACT media providers and Canberra Connect to ensure that the community receives up-to-date information on the risks of bushfires and in an emergency.<sup>270</sup> Public information is also disseminated via the ACT Government website and public awareness programs are conducted by the ACT Rural Fire Service and Community Fire Units.<sup>271</sup>
- 7.16 Further, in response to the Coroner's recommendation that a system of public warnings be adopted which utilise the grid references of the maps in the Canberra telephone directory, the ESA has released the ACT Handy Map on their website for use with public warnings to assist residents to locate where an emergency incident is in relation to their homes.<sup>272</sup>
- 7.17 However, the Committee is concerned that, in a population as mobile as Canberra's, community awareness and preparedness may not be as great as it was in 2004 and that documentation and community awareness initiatives need to be renewed at the commencement of each fire season. The Committee commends the ESA for the information available on its website in relation to bushfires, but believes more proactive measures are needed.

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<sup>268</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 25.

<sup>269</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 25-26.

<sup>270</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 23.

<sup>271</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 23.

<sup>272</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 26.



## Public education and awareness

7.18 In relation to public education and awareness the Minister advised:

On the emergency preparedness side of things, education is delivered by the ESA in a wide range of ways. For example, we have the Fire Wise program, which provides education to rural leaseholders on preparedness of their properties in the event of a bushfire. The Rural Fire Service, the ACT Fire Brigade and the SES all undertake community education functions in terms of preparing homes for floods and storm events. For example, the SES has run a series of coordinated campaigns to improve the community's awareness of preparedness for floods and storms. Our community fire units and our RFS volunteer brigades undertake education in suburban contexts about preparedness for fires.<sup>273</sup>

7.19 As part of its awareness programs, ESA has undertaken to publicise and demonstrate the use and application of the Standard Emergency Warning Signal. An initial awareness campaign on this topic was conducted in 2004 and ongoing information is provided on the ESA website and in the 'Emergencies and the National Capital - A residents guide' booklet. Emergency Management Australia also conducts awareness campaigns on the Standard Emergency Warning Signal.<sup>274</sup>

7.20 A Community Fire Unit [CFU] program has also been established which provides equipment and training to community volunteers to help defend the community against bushfire attack pending arrival of the Fire Brigade. There are currently 28 Community Fire units.<sup>275</sup>

7.21 Another element of the community education program is focused on community evacuation protocols. The McLeod report recommended that emergency Services and ACT Policing develop joint protocols for community safety and evacuation.<sup>276</sup> These protocols have been included in other awareness campaigns such as 'Bushfires and the Bush Capital - A Guide for the ACT' mentioned earlier, which aims to assist the community

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<sup>273</sup> Submission 6, Minister for Fire and Emergency Services, p 14

<sup>274</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, p 25.

<sup>275</sup> Department of Justice and Community Safety, *Annual Report 2006-2007*, p 281.

<sup>276</sup> McLeod, R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 237.

to make a safe decision on whether to evacuate or stay and when it is safe to do so. The protocol is based on the Australasian Fire Authorities Council (AFAC) framework.<sup>277</sup>

- 7.22 The education and awareness programs are regularly reviewed by the ESA, making use of information provided through the Bushfire Cooperative Research Centre regarding the effectiveness of bushfire awareness communication strategies across Australia.<sup>278</sup> ESA also consults with the NSW Rural Fire Service to ensure cross-border coordination of fire safety messages and particularly on bushfires that may have a cross jurisdictional impact.<sup>279</sup>

### Community Fireguard

- 7.23 The Committee notes the ACT Government's initiatives which it has taken to inform the community. However, the Committee is concerned that this predominantly pamphlet based approach may be of limited impact, particularly as time passes.
- 7.24 The Committee notes that the Victorian Country Fire Authority [CFA] has published a document called *Community Fireguard: Creating partnerships with the community*.<sup>280</sup> The document explains the community programs which have been designed to assist individual householders and communities to help themselves in a bushfire emergency. The paper notes:

Community Fireguard recognises that on days of extreme wildfire danger suppression capabilities are limited and Country Fire Authority (CFA) cannot guarantee protection to each property.

On such occasions the key to community safety is the preparedness and response of the residents threatened. By promoting the development of

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<sup>277</sup> ACT Government Response; *Report of the Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 26.

<sup>278</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 23-24.

<sup>279</sup> ACT Government Response to the recommendations of the Coroner in 'The Canberra Firestorm: Inquest and Inquiry into Four Deaths and Four Fires Between 8 and 18 January 2003', 2007, pp 24-25.

<sup>280</sup> Boura J, CFA Occasional Paper No 2, *Community Fireguard: Creating partnerships with the community*, 1998

wildfire survival strategies by communities at greatest risk, Community Fireguard promises to significantly reduce the vulnerability of these residents. Enabling residents to accept responsibility for their own safety, means that CFA is not only reducing wildfire threat, but also transferring risk to those best able to manage it - the residents.

The principles of empowerment on which Community Fireguard is based are described, and the efficacy of the program in reducing losses in recent wildfires is discussed.

The findings reinforce that reliance solely on suppression to ensure the safety of communities threatened by wildfire is an ineffective strategy. The greatest potential for increasing safety is for fire agencies to enhance community self reliance, through long term public education supported by fire protection works that assist residents defend themselves.<sup>281</sup>

- 7.25 Community Fireguard is based on theories of adult education, participation and empowerment, involving small groups of people living in high fire risk areas, who take responsibility for their own fire safety and work together to devise survival strategies to suit their particular situations.<sup>282</sup>

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<sup>281</sup> Boura J, CFA Occasional Paper No 2, *Community Fireguard: Creating partnerships with the community*, 1998, p 3

<sup>282</sup> Boura J, CFA Occasional Paper No 2, *Community Fireguard: Creating partnerships with the community*, 1998, p 6



## 8 CONCLUSIONS AND RECOMMENDATIONS

- 8.1 The Committee would like to note the comments made by Mr Ron McLeod in his concluding remarks. Mr McLeod noted the inevitability that the kinds of inquiries conducted by him concentrated on weaknesses, errors and shortcomings and did not dwell to the same extent on those aspects where systems and people performed satisfactorily or in the way intended. He went on to say:

The Inquiry considers that the basic structure of the ACT Public Service, which underpinned the whole operation and has responded so well during the recovery phase, is fundamentally very sound. Readers need to recognise this when reflecting on the search for improvement that pervades most of the report.<sup>283</sup>

- 8.2 The Committee would like to reinforce those comments by saying that it has the highest regard for the ACT's emergency services and other areas of the public service. In that light, the Committee makes the following conclusions and recommendations.

### The Emergencies Act 2004

- 8.3 The Committee notes the views of some members of the community for a return to the arrangements under the previous legislation. However, the Committee considers that it is neither feasible nor appropriate to return to the legislation in operation prior to the Emergencies Act. The Committee has not had any direct criticism of the operation of the Act and has not itself been able to discover significant flaws in the legislation. It therefore has concluded that the *Emergencies Act 2004* is the appropriate legislative framework for the operation of emergency services in the ACT.

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<sup>283</sup> McLeod R, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, 2003, p 243

## The structure of the Emergency Services Agency

- 8.4 The Committee notes that the ESA has undergone a number of iterations over the last few years. However, it appears to the Committee that the recommendations of the McLeod report, the Coroner's report and evidence to the Committee suggest that a stand-alone statutory authority, with the separate agencies maintaining operational independence, is an appropriate model for effective emergency management. The Committee considers that the ESA statutory authority model was not given sufficient opportunity to be evaluated, especially in a real emergency situation. The Committee suggests that a public review should have been undertaken before the organisation was re-absorbed into the Department of Justice and Community Safety [JACS].
- 8.5 The report of the functional review in 2006 has never been made public and, despite requests by a number of committees to see the document, the ACT Government has consistently failed to produce the document for scrutiny. The Committee is therefore not able to make any assessment of the findings of the functional review and the rationale for re-absorbing the ESA into JACS, apart from the general financial accountability basis. The Committee is not convinced that such a change of direction is the best structural arrangement for dealing with emergency services.
- 8.6 While it is clear that there were significant budget overruns in the two years the Authority existed, the Committee considers that the Government response to the problem was disproportionate. The Committee is of the view that there were ineffective financial and auditing processes in place at the Authority, despite the structural mechanisms being in place. Further, the Committee considers that there were insufficient record-keeping protocols and procedures, which contributed to the cavalier approach to the budget bottom line.
- 8.7 The Committee notes that, in effect, the ACT has returned to similar structural arrangements in place at the time of the 2003 fires and which may have contributed to the inadequate response to the bushfire threat. Given that the major concern about the Emergency Services Authority was one of financial accountability, the Committee considers that the Government should be able to establish suitable accountability mechanisms to ensure

probity, including appropriate audit and approval mechanisms for significant capital expenditures. However, the Committee lacks sufficient information to make recommendations on the current administrative arrangements.

- 8.8 There are clearly communications problems and cultural differences between the separate emergency services agencies. The Committee considers that there is a need to address these cultural problems, although it recognises that this is a difficult task.
- 8.9 The Committee also notes that when the Emergency Services Authority existed, there were four chief officers reporting to a Commissioner. There is now an additional level of management, given that there are two Deputy Commissioners and four Deputy Chief Officers. There was considerable concern expressed at the public hearings and in submissions that the current structure of the ESA and its incorporation into the JACS organisation had the potential to clutter command and control and to detract from the operational autonomy essential in an emergency. The Committee is not convinced that a changed structure is the problem; the Committee is of the view that the different cultures inherent in the professional and volunteer elements of the ESA are also influential.

## RECOMMENDATION 1

- 8.10 **The Committee recommends that a thorough review be undertaken of the communications and coordination between the separate agencies which make up the Emergency Services Agency, to assess the extent to which cultural factors are detrimental to the effective operation of the ESA.**
- 8.11 The Committee notes that none of the organisational structures provided to the Committee, and certainly not the schematic "ACT Management Structure in a Declared State of Emergency", gives the Committee any confidence in the current structures and procedures working well in an emergency such as the 2003 fires. Despite assurances from the Minister and the Chief Executive of the Department of Justice and Community Safety, the Committee is not convinced that, in times of real emergencies, the current arrangements will be effective.

## RECOMMENDATION 2

- 8.12 **The Committee recommends that the ACT Government develop and publish an operational policy document which spells out the command and control structures and procedures should an emergency event arise.**

### The Bushfire Council

- 8.13 The Committee is also cognisant of the fact that bushfire is only one hazard affecting the community, with storm damage and flooding significant other potential hazards. Too great an emphasis on bushfires can skew resourcing to the point that insufficient attention is given to all aspects of emergency management and not just that posed by a bushfire.
- 8.14 For example, under the Emergencies Act, there are many requirements for consultation with the Bushfire Council before certain decisions, including the finalisation of appointments, can be made and certain operational plans formalised. While McLeod recommended that the ACT Bushfire Council's role supported the continuation of the Bushfire Council as an advisory body, and recommended that its role under the Act should be re-expressed to more accurately describe its current activity, the Committee is concerned that too many operational decisions are required to be made only after consultation with the Council. While expert advisory bodies which provide sound and professional advice to government are appropriate, the Committee considers that some of the consultative requirements intrude into what should be the province of the Commissioner or his deputies.
- 8.15 Staffing appointments are a case in point but so too is the general requirement in s10 of the Emergencies Act for the Commissioner to consult with the Council before exercising a function relating to bushfires prescribed by regulation and also to consult to vary the bushfire season. The Committee considers that these matters are wholly operational and should be able to be executed within the ESA; the requirement to consult what is essentially an advisory body on such matters is inappropriate.



### RECOMMENDATION 3

- 8.16 **The Committee recommends that the Bushfire Council consultative requirements under the *Emergencies Act 2004* be reviewed, with a view to removing the requirement to consult with the Bushfire Council on operational matters, such as staff appointments and matters prescribed by regulation.**
- 8.17 The Committee notes the comment of the Minister at the final public hearing; ie that funding had been provided to the Bushfire Council to independently monitor the government's implementation of the agreed Coroner's recommendations. The Committee finds this situation curious for two reasons:
- ⇒ the Bushfire Council is not an independent agency; it is closely interested in and engaged in aspects of bushfire prevention under the current legislation; and
  - ⇒ the Coroner's recommendations addressed emergency management generally as well as recommendations specific to bushfire prevention and management.
- 8.18 The Committee considers that the Bushfire Council is not an appropriate agency to undertake an independent review of the implementation of the Coroner's recommendations. It does not have the necessary independence to objectively comment on the progress of recommendations and may be commenting on matters with which it itself is involved, such as the finalisation of the SBMP.
- 8.19 Further, the Bushfire Council is a body established to advise the Minister on matters related to bushfires. The Committee considers that, if the Bushfire Council is to undertake a more general emergency management role, it should be re-named to reflect the general role. The Committee notes that the current Act already gives to the Council the power to 'exercise any other function given to it under this Act or another territory law'<sup>284</sup>.

#### **RECOMMENDATION 4**

- 8.20 **The Committee recommends that responsibility for overseeing the progress of the implementation of agreed recommendations of the Coroner be undertaken by a truly independent body and not by the Bushfire Council.**

#### **RECOMMENDATION 5**

- 8.21 **The Committee recommends that, if the Bushfire Council is to have an advisory role generally in emergency management, it should be renamed to reflect a general emergency role rather than a role specifically in relation to bushfires.**

#### **Staff training and operational exercises**

- 8.22 The Committee notes the assurances from the Minister that operational exercises are a common occurrence. Nonetheless, the Committee considers that it would be helpful for planning and resource management purposes for a program of exercises to be developed, in which all elements of emergency services are involved and which ensures that all personnel are regularly exposed to, and have experience of, potential emergency situations.

#### **RECOMMENDATION 6**

- 8.23 **The Committee recommends that the ESA develop a schedule of proposed exercises as a five year rolling plan, in order that all the elements of emergency services are able to be tested over that time and in differing situations.**

#### **RECOMMENDATION 7**

- 8.24 **The Committee recommends that the ESA hold discussions with NSW with a view to developing a joint exercise program with the NSW Rural Fire Service on an ongoing basis.**

## Accommodation

- 8.25 Both the McLeod and Coroner's reports recommended better and purpose built accommodation, with enhanced access and security. To date the response to those recommendations has been tardy and indicative of a lack of priority on the part of the ACT Government in relation to adequate and appropriate accommodation for the ESA.
- 8.26 The Committee notes that a substantial sum in rent of approximately \$2m has been expended to date on empty buildings at Fairbairn, prior to the final preparations of the site for the ESA, or parts of the ESA, to occupy. The Committee is not convinced that the Government is willing to pursue purpose built accommodation for the ESA in the short or medium term.
- 8.27 The Committee considers that there are two issues so far as accommodation is concerned:
- the suitability or otherwise of the Fairbairn site for a consolidated emergency services headquarters; and
  - the financial and project planning underlying the procurement of the Fairbairn site.

## RECOMMENDATION 8

- 8.28 **The Committee considers that the ACT Government should table in the ACT Legislative Assembly the cost-benefit analysis and business plan for Fairbairn as a central site for emergency services in the ACT.**

## RECOMMENDATION 9

- 8.29 **In order that the ACT public can be reassured about the project management and financial planning in relation to the Fairbairn site as a proposed centralised accommodation facility for emergency services, the Auditor-General undertake a review of the project from a financial probity and project management perspective.**

## RECOMMENDATION 10

- 8.30 **If the Auditor-General does not undertake a review in the near future, the Committee recommends that the ACT Government re-**

**investigate the suitability of the Fairbairn site as a proposed centralised accommodation facility for emergency services.**

#### **RECOMMENDATION 11**

- 8.31 **If the Auditor-General does not undertake a review in the near future, the Committee recommends that the ACT Government make a public announcement about the future accommodation plans for the Emergency Services Agency and its component parts so that both the ESA and the ACT public are informed about current proposals and timeframes.**

#### **RECOMMENDATION 12**

- 8.32 **If the ACT Government decides to proceed with the site as the emergency services headquarters, that it accord a high priority to the finalisation of the site preparations for the ESA at Fairbairn as a matter of urgency.**

### **FireLink**

- 8.33 The Committee notes that it is over a year since the FireLink project was terminated and it is over four years since it was first trialled. Four years is a long time in technological developmental terms and a debate about the merits or otherwise of FireLink is not appropriate. What is appropriate to be debated are the matters raised by the Auditor-General, especially the governance processes of the ESA, its record-keeping and project management procedures.
- 8.34 The Committee considers that the FireLink contract was adequately considered by the Auditor-General. The Committee has no further comment on FireLink.

### **The Strategic Bushfire Management Plan and Land management**

- 8.35 The Committee considers that the Strategic Bushfire Management Plan, as a strategic document, is quite comprehensive. However, the delayed finalisation of Version 2 has never been explained and it is clear that it will

not be publicly available until next year, ie four years behind the original schedule.

### **RECOMMENDATION 13**

- 8.36 **The Committee recommends that the ACT Government explain its reasons to the Legislative Assembly for not proceeding with the release of Version 2 of the Strategic Bushfire Management Plan in July 2005.**

### **RECOMMENDATION 14**

- 8.37 **The Committee recommends that the ACT Government finalise Version 2 of the Strategic Bushfire Management Plan as required under the Emergencies Act.**

### **Ministerial responsibilities**

- 8.38 The Committee is also perplexed about the division of responsibilities between the Minister for Territory and Municipal Services and the Minister for the Environment in relation to land management in the ACT. It makes no sense to have responsibility for land management split between two separate portfolios. The responsibility for the management of fuel loads on all ACT land should lie within one portfolio. Consultation protocols with other agencies on matters such as the environment could be developed to ensure that fuel load management programs were developed with full input by other affected agencies.

### **RECOMMENDATION 15**

- 8.39 **The Committee recommends that the responsibility for land management issues lie within a single portfolio, specifically the Minister for Territory and Municipal Services.**

### **Land management and fuel loads**

- 8.40 The Committee notes the concerns of submitters to the Committee about the fuel loads in both ACT and NSW national parks, but is particularly concerned that land management practices in NSW can impact on the ACT. The Committee is therefore of the view that the ACT must have permanent

consultative and cooperative arrangements in place to ensure that fuel loads in national parks do not get out of control and potentially put the ACT at risk.

- 8.41 The Committee is also of the view that there should be a joint strategic bushfire management plan for those areas within the ACT and NSW which might provide a danger to the other jurisdiction.

## RECOMMENDATION 16

- 8.42 **The Committee recommends that the ACT Government develops a joint strategic bushfire management plan with the NSW Government and the NSW Rural Fire Service in relation to those areas which have the potential to impact on both jurisdictions.**
- 8.43 In any event the Committee considers that there must be continuous and ongoing consultation with the NSW Rural Fire Service, environmental and national parks authorities.

## RECOMMENDATION 17

- 8.44 **The Committee recommends that the ACT Emergency Services and the Rural Fire Service in particular institute regular meetings with the NSW Rural Fire Service and other appropriate authorities, such as environment and national parks, for the purposes of land management and fuel load assessment and control.**
- 8.45 The Committee noted in Chapter 1 that it would not be making detailed recommendations on specific fuel management options, given that it has not considered the science in relation to bushfires in any depth, but that it would comment on the strategic practices and policy options put in place. The Committee considers that the Strategic Bushfire Management Plan and bushfire operational plans are appropriate mechanisms to program the management of fuel loads. However, the Committee also considers that the bushfire operational plans are not readily accessible and information in relation to proposed burning off/fuel load activity needs to be disseminated to the community in a more user-friendly format.

**RECOMMENDATION 18**

- 8.46 **The Committee recommends that information in relation to proposed fuel load activity and controlled burning should be disseminated to the community and in an accessible format.**

**Community education and awareness**

- 8.47 Community education and preparedness for a fire emergency has always been an element of emergency services' strategic objectives. However, the Committee is concerned that the current approach to community awareness is founded on written documentation, which may no longer have an impact as memories of the 2003 fires fade. For this reason, the Committee considers that the approach set out in the Community Fireguard document to be a valuable model.
- 8.48 The Committee considers that the Community Fireguard principles provide a worthwhile blueprint for community education and preparedness.

**RECOMMENDATION 19**

- 8.49 **The Committee recommends that the ACT Government investigate the Victorian Community Fireguard model with a view to implementing a similar scheme in the ACT to enhance community preparedness for and ability to respond to bushfire emergencies.**

**Emergency Services Agency website**

- 8.50 The ability of the community to access information about emergencies quickly and easily, and to have available the most up-to date and comprehensive range of information, is very important. Increasingly, departmental websites are the first port of call when a resident or anyone else needs to find out information. The accuracy, scope and timeliness of information included on websites is of fundamental significance.
- 8.51 The Committee has commented in the past on the efficacy and accuracy of agency websites and made recommendations that they be updated/modified

regularly. The ESA's website works so far as community information in relation to bushfires is concerned; that aspect of the site is excellent.

However, there are other problems with the site.

- 8.52 The Committee would like to see some improvements to the accessibility of the site and its content. In particular, it would like the site to have a search function to enable content/document searches without necessarily having to access each individual webpage. The Committee would also like to see an expanded range of documentation publicly available and in one place. At present there is no tab for publications and what is available on the site is minimal and difficult to access.
- 8.53 By way of comparison, the NSW Rural Fire Service website has a publications menu item which contains a wide range of documentation, including their annual reports, strategic plan and a wide range of other policy documents, as well as specific fire safety information and publications of community interest.
- 8.54 The Committee is further concerned that it is not possible to view organisation charts for the ESA as a whole and for each of the four services on the website. Such information is routinely available on corporate and government websites and the Committee considers that such corporate information should be readily available and easily accessible. It would have been of assistance to the Committee to have that information available to it without having to request it directly from the Commissioner or the Minister's office.

## RECOMMENDATION 20

- 8.55 **The Committee recommends that the Emergency Services Agency update its website to accommodate, at a minimum, a publications menu item and a search function.**



**RECOMMENDATION 21**

- 8.56 **The Committee recommends that the Emergency Services Agency post all its publications, which are not internal working documents or otherwise confidential, on its website.**

**RECOMMENDATION 22**

- 8.57 **The Committee recommends that each element of the Emergency Services Agency publish organisation charts showing names, positions and contact details on the individual webpages.**

Bill Stefaniak MLA  
Chair  
[22 August 2008]



## **DISSENTING REPORT AND ADDITIONAL COMMENTS: MR STEFANIAK**



This Inquiry was a crucially important Inquiry by an Assembly Committee, which had the potential to give some clear direction as to what should occur in the future to fireproof, as far as humanly possible, the ACT.

Whilst it makes a number of recommendations that assist in this regard, I regret to say that, in my view, my colleagues baulked at making recommendations that clearly were warranted as the result of the volume of evidence and opinion put before the Committee.

The Committee was also not as well served as it could have been by Government, with the Chief Minister refusing to appear, despite being asked twice; the difficulty in obtaining some documents from JACS; and the Minister refusing to allow two officers to answer questions on 20 June 2008.

The Chief Minister's refusal to appear was extremely concerning, especially as he was the Environmental Minister and, as such, was responsible for many areas relevant to bushfire preparedness and fire prevention. As well as this, there was a very real need for the Chief Minister to appear and answer questions in relation to the disastrous 2003 bushfires that still remain unanswered. Specifically, such basic questions as "why weren't we warned?"

It is clear to me, having heard all the witnesses, that there is still much that needs to be done to improve our readiness for a serious fire. Indeed, as experienced fire fighters, such as Val Jeffrey, said in evidence, it is only a matter of time before the ACT will be faced with another serious bushfire crisis.

Government needs to listen to people like Val Jeffrey, Wayne West, Pat Barling and co, who have all been around fighting bushfires for decades. They know far more than any bureaucrat ever can. In fact, I would strongly urge such people to be seconded to run the rural fire fighting arm of the Emergency Services Agency, however that agency may be structured.

When I compared some of the statements made to the Committee by people in the field and their bureaucratic masters, it bore similarities to the way World War I was run on the Western Front.

That is not to say that everyone is not trying to do their best; they are. It is just that far more notice needs to be taken of what the troops on the front line are saying.

Whilst the report mentions the significant problems that still exist in terms of the relationship between the volunteers and the Commissioner, I am concerned that not enough is being done to re-establish trust between the volunteers and ESA management. There must be an effective two-way street between the volunteers and the organisation and the Government must pull the organisation into line and do all that is necessary to re-establish trust. It seems to me the volunteers have on-going, very real and legitimate concerns that must be addressed as a matter of urgency.

It is quite clear to me, from all the evidence before the Committee, that a stand-alone ESA should be re-established. Both McLeod and Coroner Doogan made this recommendation, and the Minister of the day simply needs to ensure it adheres to its budget.

**I recommend that a stand-alone ESA be re-established.**

In July 2008 Dr Foskey and I went to view the impact the 2003 fires had in the rural areas of the ACT and adjoining NSW. The trip was organised by Wayne West and a colleague of his, who has been involved in bushfire fighting for over 40 years.

I was disturbed to see fire trails overgrown and, in many instances blocked off by large boulders. In my view, these fire trails should be open all year round and new trails should also be put in where appropriate.

**I recommend that:**

- 1. fire trails remain open year-round; and**
- 2. new fire trails be established where appropriate.**

Also, regrowth after the 2003 fires has made access very difficult with various forms of bushes and trees all very close together sprouting up throughout most of the mountain areas of the ACT. Urgent attention needs to be given to clearing some of this regrowth to enable access.

**I recommend urgent attention be given to clearing regrowth in areas where it is impeding or blocking access.**

It was interesting to contrast on our trip the areas devastated by the 2003 fires that had not had any controlled burning operations done in the past to areas where there had been controlled burning. Where controlled burning had occurred prior to 2003, there was no thick growth and access was easy. The areas were typical Australian bushland areas and are a testament to what effective control measures and reduction in fuel loads can do to help counter the effect of horrendous fires such as 2003.

The main problem, which is not emphasised enough in the report, is the need for regular reduction of fuel loads and urgent attention to the problem referred to above in relation to regrowth in what has been described now as the “heath” country.

I believe regular controlled burns, mosaic burns and any other measures to reduce fuel loads right across the ACT and into the surrounding NSW areas must occur. The success of this method has been demonstrated over 40,000 years of human habitation in Australia.

**I recommend that:**

- 1. a comprehensive program be developed and implemented to reduce fuel loads in forest areas of the ACT; and**
- 2. the ACT Government begin negotiations with the NSW Government for a similar program to be developed and implemented in areas of NSW that abut the ACT.**

It would seem to me sensible, from the evidence the Committee heard, for the volunteer fire brigades and, perhaps, other fire fighting entities to be given greater flexibility to assist them in putting out fires early. There is great experience in these brigades. The inappropriate way they were handled in the 2003 fires makes this a no-brainer (refer Coroner's Report).

I also fear a continuing misguided over-emphasis on "environmental" damage that may be caused by controlled burning. The greatest asset we have is our forest, however parts of our forest were destroyed and will not recover for a century as a result of 2003 fires. Proper controlled burns to reduce fuel loads save the environment and any adverse effects they might have on a localised environment is peripheral to the big picture. Government needs to appreciate this rather than being captured by the uninformed views of misguided zealots.

Finally, I believe we should open up our wilderness areas and not be afraid of having greater access to them by ordinary citizens. This will help maintain roads and tracks. Done sensibly, it will assist in minimising serious fires.

I thank everyone who appeared before the Committee or made submissions and I commend these comments to the Assembly.

Bill Stefaniak MLA  
22 August 2008





## **DISSENTING REPORT AND ADDITIONAL COMMENTS: MS MACDONALD**



## Dissenting Report and Additional Comments

Karin MacDonald, MLA

I wish to dissent from the following recommendations and paragraphs and make the following comments for my reasons.

### Paragraph 1.8

While I understand that changes in Ministerial portfolios may have added uncertainty, I disagree that this “compounded” the problems.

### Paragraphs 1.11 and 1.12

I reject the suggestion that the action of the Minister in not allowing junior officials to appear might constitute a contempt of the Assembly. As noted in Paragraph 1.11, all questions were answered, and it is appropriate that questions were taken by the Minister and senior officials.

### Paragraphs 1.13

I understand that some members of the Committee wanted several documents provided, but I disagree that the Minister has been disrespectful to the Committee by not providing them. My reasoning for this is that the Minister gave valid reasons as to why he could not provide the documents in question. I also believe that Cabinet-in-confidence is a valid reason to refuse to provide documents.

### Paragraph 5.18

While it is of regret that Version 2 of the SBMP has not been completed, the Committee was provided with evidence that all requirements as provided under the Act which will be covered by the SBMP, are continuously in operation.

### Paragraph 6.35

I do not agree with the first sentence of this paragraph as the Government while stating that they do not agree in whole with the Coroner, they are already undertaking some of the action recommended by the Coroner.

### Paragraphs 8.4 to 8.7

I do not agree that a “stand-alone statutory authority” is necessarily the most appropriate model to deal with emergency services. Evidence was provided during the hearings, by the Minister, that the current arrangements with the ESA as an agency of JACS, were working effectively.

There was no evidence, other than the opinions of former ESA employees, that the current system does not work.

It is totally incorrect at 8.7, to suggest that the ACT has returned to the same position that we were in prior to the 2003 fires. This totally ignores the large volume of work, effort and funding that has been put into communications, equipment upgrades, planning and fuel management, as well as training.

Paragraph 8.11

I agree that the schematic “ACT Management Structure in a Declared State of Emergency” is a confusing document. However, I do not believe that this in itself should be taken that the arrangements would not work in an emergency. I do believe that they need to be better spelt out, and as such, I agree with Recommendation 2.

Karin MacDonald  
Deputy Chair  
22 August 2008