



Community Development and Justice Standing Committee

Higher Risk. Better Prepared?

WA's Preparedness for the 2012-13 Bushfire Season

Report No. 12
November 2012

Legislative Assembly
Parliament of Western Australia

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**Community Development and Justice
Standing Committee**

Higher Risk. Better Prepared?

WA's Preparedness for the 2012-13 Bushfire Season

Report No. 12

Presented by

Mr A.P. O'Gorman, MLA

Laid on the Table of the Legislative Assembly on 26 November 2012

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Executive Summary and Chair's Foreword

The Committee's *Inquiry into the State's Preparedness for this Year's Fire Season* was established as a follow up to its *Examination of the State's Preparedness for this Year's Coming Fire Season*, which was completed in November 2011. This has been a short Inquiry to gather evidence from the key stakeholders about what has improved since the Committee's previous report.

That report identified many critical issues in bushfire mitigation and suppression; some of which were also reported by the Keelty inquiry into the November 2011 bushfires in the Margaret River region; and the subsequent report to the Department of Premier and Cabinet by Noetic Solutions Pty Ltd. The State Government did not respond to any of the Committee's recommendations.

The Committee believes that there is no room for complacency in preparing for this year's bushfire season given the major bushfire at Toodyay over the weekend 16-18 November 2012. The Committee heard that the recent Albany fire was an indication of a very serious bushfire season as "getting that sort of fire behaviour down South in the middle of October is almost unheard of."

In giving evidence to this current Inquiry, the two main agencies involved in combating bushfires- the Department of Fire and Emergency Services (DFES) and Department of Environment and Conservation (DEC)- told the Committee that they were better prepared for this year's bushfire season. Both agencies had received additional funds from the State Government in the 2012-13 Budget for frontline activities; with DFES receiving \$44 million over four years and DEC \$6.3 million in the 2012-13 Budget. Since these increases in their budget, both DFES and DEC (as well as WAPOL) are subject to the Government's 2% efficiency dividend and freeze on staff FTEs.

Although Western Australia Police (WAPOL) did not seek any specific additional capital expenditure funding from the Government to prepare for bushfires, the Commissioner advised the Committee that should that agency participate in a large bushfire event this season, he had already had discussions with the Government should there be the need for additional funding.

However despite these funding increases, there remain outstanding issues of concern. These are reported in Chapter 2.

It is of concern that nearly two years after the 2011 Perth Hills bushfires there has been little progress made by the Department of Premier and Cabinet in coordinating the development of a Statewide system in mapping fuel loads, as recommended by the Keelty Inquiry nearly 18 months ago. The Committee heard that both DEC and Western

Power have comprehensive fuel load databases, while DFES and the Local Government Authorities (LGAs) in bushfire-prone regions do not have such comprehensive systems.

Another issue of concern to the Committee is the drying climate in the South West region. This has two significant impacts on creating the risk of larger and more destructive bushfires:

- fewer days on which low-intensity prescribed burns can be safely undertaken during the Winter and Spring; and
- fuel loads are drier and burn more fiercely during a bushfire.

Critically, Mr Keelty said in his report on the Perth Hills fires that there “has to be a point in time when the [State] Government recognises the climate is changing and uses this as a catalyst for reviewing and reforming policies that are affected by climate” and his report recommended “The State Government recognise the projected changes in climate and potential impact on future fire events.”

However, other than the DFES new ‘Capes strategy’, no evidence was provided to the Committee that any of the State’s firefighting agencies are restructuring their bushfire preparedness plans to ones based on a far drier South West with a higher risk of major bushfires.

Another key area not yet addressed by DFES since last year’s bushfire season are the needs of bushfire and other volunteers, both in training courses and the provision of fire blankets.

Radio communication between firefighting agencies is still an issue and the Committee has found that communication between these agencies and their staff, particularly in many regional areas, remains a major challenge. The new digital radio system seems to have significantly degraded performance in the bushfire environment. Incredibly, the Committee heard that the performance of the new digital WAERN (Western Australian Emergency Radio Network) radios are affected by both smoke and water vapour, and both career and volunteer firefighters gave evidence to the Committee that their members often have to use their older UHF radios rather than the new ones.

It is noteworthy that these hearings were the first opportunity for victims of the bushfires in 2009 in Toodyay, 2010 in the Perth Hills and 2011 in Margaret River to talk about their experiences. The evidence from witnesses highlighted that there has been ad-hoc assistance provided by the Government for victims of different bushfires over the past three years. The amount of compensation offered bears little resemblance to the cost of replacing property lost to fire. The Committee found that the stress involved in negotiating a settlement, even where the bushfires are a direct result of the actions

of a Government agency, compounds the stress of having lost property and possessions.

I would like to thank the Committee members for their commitment to this Inquiry given their need to campaign for the forthcoming election and undertake their other parliamentary duties. Finally, I would like to acknowledge the Committee's research staff, Ms Jovita Hogan and Dr David Worth, who effectively managed this short Inquiry and ensured that the Committee heard from appropriate witnesses.

A handwritten signature in black ink that reads "Tony O'Gorman". The signature is written in a cursive style with a large, looped 'O' and a long, sweeping tail on the 'n'.

MR A.P. O'GORMAN, MLA
CHAIR

Ministerial Response

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Committee directs that the Treasurer, the Minister for Emergency Services and Minister for Environment report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the Committee's recommendations.

Findings and Recommendations

Finding 1

Page 8

The State's main firefighting agencies are better resourced for the 2012-13 bushfire season than they were last year and the Committee believes they should be better prepared.

Finding 2

Page 10

The report by Noetic Solutions Pty Ltd on the 2011 Margaret River bushfires was made public nearly 12 months after the fires and caused the Government to amend its assistance package for affected residents.

Recommendation 1

Page 10

The Minister for Emergency Services must ensure that future post-incident analyses are completed and made public within eight weeks of a natural disaster.

Finding 3

Page 13

The creation of a Statewide fuel load database remains as the main outstanding recommendation to be implemented from the Keelty Inquiry into the Perth Hills bushfire in 2010.

Finding 4

Page 13

Both Western Power and the Department of Environment and Conservation have comprehensive fuel load databases for the areas they manage.

Recommendation 2

Page 13

The Minister for Emergency Services ensure that a Statewide fuel load database that includes data from Western Power, the Department of Fire and Emergency Services and the Department of Environment and Conservation be established before the 2013-14 bushfire season.

Finding 5

Page 16

Scientific research and data on rainfall in the South West over the past 30 years indicates that this region will become even drier in the next two decades and this poses additional risks for large bushfire events.

Recommendation 3

Page 16

The State Government prepare a strategy before the 2013-14 bushfire season on how the main firefighting agencies should deal with a drier South West region where fewer prescribed burns can be completed each year.

Finding 6**Page 19**

In relation to all three recent major bushfires, the Committee found that there was a lack of clarity in communicating with victims on any assistance or the criteria for eligibility. The words ‘compensation’ and ‘assistance package’ were used interchangeably by the Government, which caused confusion. In cases where victims were unhappy, the Government suggested that they pursue legal action while not releasing sufficient information for such decisions to be made.

Finding 7**Page 20**

The State Government has compensated the victims of recent major bushfires in an ad-hoc fashion.

Recommendation 4**Page 20**

The State Government prepare a consistent policy on how to assist or compensate the victims of future major natural disasters, such as bushfires, in an equitable fashion.

Recommendation 5**Page 20**

The Treasurer undertake a review by the next bushfire season of the ability of RiskCover to efficiently undertake loss assessing and compensation activities for victims of major natural disasters, such as a bushfire, in an empathic and timely fashion.

Finding 8**Page 21**

Effective radio communications are crucial to the State’s first responders battling major natural disasters and it is disappointing that budgetary constraints are hindering improvements within the radio network.

Finding 9**Page 22**

Communication between firefighting agencies and their staff, particularly in many regional areas, remains a major challenge and the new WAERN digital radio system seems to have significantly degraded performance in the bushfire environment.

Finding 10**Page 22**

It is disturbing to the Committee that every report on recent major natural disasters has recommended actions around the communication systems (such as WAERN) used by the major agencies. This is despite every Committee Inquiry being given assurances that these systems have been markedly improved.

Recommendation 6**Page 23**

The Minister for Emergency Services should urgently review the technical issues with the WAERN program that is forcing the State’s firefighters to revert to their older radio networks.

Chapter 1

The Inquiry

How the Inquiry was conducted and a summary of the new bushfire resources for the major agencies for the 2012-13 season

Establishment of the Inquiry

This *Inquiry into the State's Preparedness for this Year's Fire Season* was established on 13 September 2012 to follow-up from last year's *Examination of the State's Preparedness for this Year's Coming Fire Season*.¹ This examination found critical issues that needed the urgent attention of the State Government. However, none of the Committee's 21 recommendations were supported by the Government (see Appendix Five for a list of these unactioned recommendations).

Recommendation 11 of the Committee's report called for the Minister for Emergency Services to make an annual statement to Parliament on the State's preparedness for the bushfire season. On 15 November 2012 the State Emergency Management Committee released its first *Emergency Preparedness Report*.²

Another catalyst for establishing this Inquiry was the ongoing concerns from victims of past bushfires.

The Government's non-response to the Committee's report last year was unfortunate as it identified similar issues of concern as was later reported by the Keelty inquiry into the November 2011 bushfires in the Margaret River region; and the subsequent report to the Department of Premier and Cabinet by Noetic Solutions Pty Ltd (see Appendix Seven for more information on this report).³ These fires were so intense that the Committee was told that there weren't sufficient staff and equipment in this State to handle a second simultaneous major bushfire:

By the Saturday of the following week we were still going full bore at the Milyeannup fire, before we brought it under control on, I think, the

1 Community Development and Justice Committee, *Western Australia's Readiness for the 2011-12 Bushfire Season*, Legislative Assembly, Parliament of WA, Perth, 24 November 2011.

2 State Emergency Management Committee, *Emergency Preparedness Report 2012*, October 2012. Available at: dpc.wa.gov.au/Publications/Documents/WA%20State%20Emergency%20Preparedness%20Report%202012.pdf. Accessed on 15 November 2012.

3 ABC News, *Margaret River Residents to Pursue Legal Action*, 27 February 2012. Available at: abc.net.au/news/2012-02-27/margaret-river-residents-to-pursue-legal-action/3855048. Accessed on 7 November 2012.

Chapter 1

*Saturday. That is about 11 or 12 days straight. We were at the end of our capacity at that time. If there had been another major fire or if we had not controlled the Milyeannup fire on the day we did, we would have been in trouble. ...We actually had a Victorian colleague over for several days in that second week doing the pre-planning to deploy 150 people from the Eastern States to come and help us.*⁴

While this Inquiry has been completed in a short period, it has taken evidence from the major stakeholders in bushfire suppression and a range of key stakeholder organisations and residents. Appendix Three lists the Inquiry's submissions and Appendix Four lists the witnesses that gave evidence to the Committee.

Additional resources for emergency agencies

The two main agencies involved in combatting bushfires- Department of Fire and Emergency Services (DFES)⁵ and Department of Environment and Conservation (DEC)- gave evidence to the Committee that they have received additional funds from the State Government in the 2012-13 Budget. This meant that, while they were also required to meet Government efficiency dividends and caps on staff, they assured the Committee that they were better prepared for this year's bushfire season. For example, DEC's Director General told the Committee that DEC "are better placed than we were at this time last year."⁶ DEC's Director General and the Commissioner of Police assured the Committee that the Government-imposed budget cuts and freeze on agency FTEs would not impact their frontline firefighting services. FESA's Chief Executive Officer could not offer a similar 'iron-clad' guarantee when questioned by the media after appearing before the Committee⁷, but did so three days later after conferring with his Minister.⁸

Table 1.1 summarises information of the impact of the recent State Budget on DEC, DFES and the West Australian Police (WAPOL).

Table 1.1- State Budget information for three main fire agencies

Agency	2012-13 Budget Cut (%)	2012-13 Budget Cut	Additional firefighting funds (\$)
DFES	2%	\$0.431 million	\$44 million (2012-16)
DEC	2%	\$3.75 million	\$7.3 million (2012-13)
WAPOL	2%	\$28 million	NIL

4 Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p13.

5 Formerly the Fire and Emergency Services Authority.

6 Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p2.

7 'Top Firey Fears Cuts May Hit Front Line', *The West Australian*, 30 October 2012, p4.

8 Ms Kate Bastians, 'Gregson Sees Post as Start of an Era', *The West Australian*, 1 November 2012, p3.

Department of Fire and Emergency Services (DFES)

The then-CEO of FESA⁹, Mr Wayne Gregson, outlined to the Committee what the additional \$44 million in funds would be spent on:

there were eight business cases that were approved—nine if you count the enhanced WebEOC issue. We have around \$20million for four business cases, \$20million for the second series of business cases and \$4million for WebEOC over the four years. ...

Some of the business cases referred to capital equipment purchases, so it is probably stacked at the front-end. Other business cases refer increased FTE and operational preparedness, which is more evenly spread. Some of the other business cases, like WebEOC, are at the back-end because they are waiting for infrastructure development.¹⁰

Mr Gregson later provided more information on how the funds would be spent over the four years of the Budget estimates period, as shown in Table 1.2 below.¹¹

Table 1.2- DFES business cases funded in the 2012-13 State Budget

Business Case	2012-13 (million)	2013-14 (million)	2014-15 (million)	2015-16 (million)	Total (million)
Response to 2011 Perth Hills bushfire					
Enhanced community information & awareness	\$3.532	\$4.736	\$5.121	\$6.611	\$20.0
Enhanced incident intelligence					
Change management & governance					
DFES structural reform					
Response to 2011 Margaret River bushfires					
Establishment of Office of Bushfire Risk Management	\$5.0	\$5.0	\$5.0	\$5.0	\$20.0
Enhance service delivery in the Cape region					

9 On 1 November 2012 FESA became the Department of Fire and Emergency Services and Mr Gregson was appointed its Commissioner.

10 Mr Wayne Gregson, Chief Executive Officer, Fire and Emergency Services Authority, *Transcript of Evidence*, 29 October 2012, p7.

11 Mr Wayne Gregson, Commissioner of Fire and Emergency Services, Letter, 2 November 2012, pp1-2.

Chapter 1

Enhanced operational preparedness					
Additional support to SEMC					
WebEOC crisis management system	\$2.464	\$0.494	\$0.512	\$0.530	\$4.0

The key DFES strategy for addressing the risk of further bushfires in the South West is its ‘Capes enhanced service delivery’. The additional significant funding outlined above includes funding for:

- enhanced mobilisation procedures through the Cape zone response arrangements;
- new and expanded gazetted fire districts (including the townships of Yallingup, Cowaramup, Prevelly, Gnarabup and Witchcliffe);
- six additional fire appliances scheduled for delivery by mid-December; and
- fire station modifications required to house these new appliances scheduled for completion by 17 December.¹²

An important issue not yet addressed by DFES since last year’s bushfire season are the needs of the thousands of bushfire volunteers. One issue is that training courses are often scheduled during the week when volunteers are at work:

The funding side of it has always been a problem for volunteers, and that is having sufficient funding to train volunteers when volunteers are available. To have volunteers trained at the training centre on a weekend is near impossible—courses are run during the week—or, if they do have training programs on the weekends out at the training centre, it is volunteers training volunteers. There has to be a career person available down there for the centre to be open. If there is not one available, the training does not go ahead. That was what was happening during last year.¹³

A major issue that emerged during this year’s Committee hearings is that FESA/DFES had allocated \$500,000 in funds to put fire blankets on volunteer fire vehicles **before the beginning of the last fire season** but this has not yet even started for the

12 Mr Wayne Gregson, Chief Executive Officer, Fire and Emergency Services Authority, *Transcript of Evidence*, 29 October 2012, pp3-4.

13 Mr Terrence Hunter, President, Association of Volunteer Bush Fire Brigades of WA (Inc), *Transcript of Evidence*, 2 November 2012, p9.

commencement of this year's season. This is a critical area to be urgently addressed given the recent death of a DEC firefighter in Albany. The Committee was told that these fire blankets were used by volunteer firefighters in all other States and by DEC for its vehicles.¹⁴

The volunteers have been told by FESA that the hold-up was about the standards they have for fire blankets and "We are trying to find out which is the best blanket for the job." The Committee was told that the roll-out of the fire blankets was due to now commence in early 2013.¹⁵ An associated problem is that FESA/DFES has also developed a "standalone burn-over procedure that has been put together and that ..has not been rolled out because no blankets have been distributed as yet. But that was prepared 12 months ago."¹⁶

A full copy of the Commissioner of Fire and Emergency Services' hearing can be read here:

[parliament.wa.gov.au/Parliament/commit.nsf/\(Evidence+Lookup+by+Com+ID\)/BD973CE42716BE2C48257AB80027B333/\\$file/21290279.pdf](http://parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/BD973CE42716BE2C48257AB80027B333/$file/21290279.pdf)

Department of Environment and Conservation (DEC)

The Director General of the Department of Environment and Conservation, Mr Kieran McNamara, told the Committee that its budget increase in the 2012–13 State Budget "improves our capacity and capability going into this season and ... we as a Department, and the State as a whole, continue to improve preparedness and we are better placed than we were at this time last year."¹⁷

Mr McNamara said that the increase for fire preparedness in DEC's recurrent spending is \$5.8 million and \$1.5 million was for capital expenditure.¹⁸ He acknowledged an external review of DEC's staffing in September 2011 (before the Margaret river bushfires) that found problems with staff succession plans and also that:

*The Department is at breaking point in relation to workload and roster demands — most of the key players are committed to a minimum of three weekends in every four outside of their high volume job requirements.*¹⁹

Mr McNamara said "I acknowledge the breaking point comment; we face a very difficult situation every year. The Government has recognised that by funding 52 extra

14 Ibid, p12.

15 Ibid, p5.

16 Ibid.

17 Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p3.

18 Ibid, p7.

19 Ms Margaret Quirk, MLA, *Transcript of Evidence*, 29 October 2012, p3.

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people.”²⁰ DEC told the Committee that most of its front-line firefighters are based in the South West:

*We concluded the 2011–12 financial year with about 74 dedicated fire management staff across the State. With the new budget allocation we got through the 2012–13 budget process, we will add another 26 dedicated fire management staff, taking that number to 100 across the State—... We had last year 267 front-line firefighters, we expect ... An additional 19 onto those will take it to 288 [firefighters] for this year. We expect to have those all in place by 1 December of this year.*²¹

The Australian Workers’ Union (AWU), which covers most of DEC’s firefighters, submitted to the Committee that this number was still about 11 firefighters below DEC’s own fire model.²² The submissions from both the AWU and the CPSU/CSA (who cover administrative staff) highlighted the deficiencies in DEC’s succession planning.

Another serious matter that arose during the hearings is the fact that DEC has only 100 dedicated firefighters while nearly all of its staff are involved in other land management tasks. Therefore, when DEC participates in a bushfire or undertakes a prescribed burn, many DEC non-firefighting staff volunteer their time to join firefighting activities. The treatment by the media of DEC staff after the 2011 Margaret River bushfires has led many of these DEC volunteers to reconsider volunteering for firefighting efforts:

*There are another 500 DEC employees who do not have fire as a line item, if you like, in their job description but who put forward and volunteer their services in DEC’s fire management effort. They undertake roles in its management teams and support roles—it might be as simple as helping out in catering and running meals and all those types of things. A large number of those people questioned their ongoing involvement, as did a large number of our dedicated fire management staff, in response to the treatment that the Director General referred to that had been dished out to some individuals.*²³

A full copy of DEC’s Director General’s hearing can be read here:

[parliament.wa.gov.au/Parliament/commit.nsf/\(Evidence+Lookup+by+Com+ID\)/AE41FB E94581BDEF48257AB80026761F/\\$file/15127203.pdf](http://parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/AE41FB E94581BDEF48257AB80026761F/$file/15127203.pdf)

20 Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p9.

21 Mr Peter Dans, Director, Regional Services, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, pp9-10.

22 Submission No. 4 from Australian Workers’ Union (WA Branch), 24 October 2012, p4.

23 Mr Peter Dans, Director, Regional Services, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p14.

Western Australia Police (WAPOL)

Western Australia Police (WAPOL) did not seek any specific additional capital expenditure funding from the Government to prepare for bushfires. WAPOL's activities in emergencies such as bushfires is to establish vehicle control points; undertake evacuations; direct people, close businesses and conduct investigations, and provide emergency coordinators.²⁴ WAPOL's preparations for CHOGM involved a partnership with the Commonwealth Government that funded enhancements to its Maylands command centre:

*We have made that available. We have worked with all three agencies, at the very least, plus others, in that centre as a State operation centre. The additional real-time information equipment we got for that we have used for the bushfires since. They were already in place last year and there was nothing we were specifically looking for [in the Budget] to enhance it.*²⁵

New WAPOL initiatives in the past year to assist its preparation for this coming bushfire season are:

- Strike Force Vulcan, specialist teams engaging and monitoring Priority Prolific Arson Offenders (PPAOs), and the development of an electronic learning package with modules designed to assist frontline police officers to identify and monitor PPAOs and target known fire areas in an effort to reduce the potential for bushfires²⁶;
- A program of Pyro-Terrorism exercises involving WAPOL, FESA and DEC consisting of scenarios using the Hydra Suite at the Police Academy were conducted and were supported by a refresher course on applicable policies and procedures with an emphasis on the making and recording of critical decisions. These provide personnel the opportunity to practice in the role of Incident Controller, and further develop cross-agency experience and collaboration²⁷; and
- Two exercises involving local governments in the Denmark and Mundaring areas involving the local emergency management committee to assist WAPOL

24 Dr Karl O'Callaghan, Commissioner of Police, Western Australia Police, *Transcript of Evidence*, 2 November 2012, p2.

25 Mr Duane Bell, Assistant Commissioner, Western Australia Police, *Transcript of Evidence*, 2 November 2012, p15.

26 Dr Karl O'Callaghan, Commissioner of Police, Western Australia Police, *Transcript of Evidence*, 2 November 2012, p4.

27 Ibid.

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understand the logistics and resource requirements, how long different methods of evacuation took and the need to move Police resources such circumstances.²⁸

While WAPOL did not receive any additional funding in this year's State Budget to specifically prepare for the bushfire season, the Commissioner told the Committee that he had already had discussions with the Government in regard to his 'resource agreement' and that he considered that events such as bushfires were outside of the normal budget process and he will go back to Government for additional resources if WAPOL participated in a large bushfire event this season:

*We cannot compromise emergency response because of budgets. As far as I am concerned, those things are not included in my day-to-day budgets; they are unusual events. If we get something of the magnitude of Margaret River again this summer, I have made it clear in my resource agreement that I do not consider that part of my budget.*²⁹

A full copy of the Commissioner of Police's hearing can be read here:

[parliament.wa.gov.au/Parliament/commit.nsf/\(Evidence+Lookup+by+Com+ID\)/C47F762EDD39E19F48257ABB0007C722/\\$file/97666013.pdf](http://parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/C47F762EDD39E19F48257ABB0007C722/$file/97666013.pdf)

Finding 1

The State's main firefighting agencies are better resourced for the 2012-13 bushfire season than they were last year and the Committee believes they should be better prepared.

28 Mr Duane Bell, Assistant Commissioner, Western Australia Police, *Transcript of Evidence*, 2 November 2012, p9.

29 Dr Karl O'Callaghan, Commissioner of Police, Western Australia Police, *Transcript of Evidence*, 2 November 2012, p6.

Chapter 2

Outstanding issues

Key issues yet to be satisfactorily addressed by the State Government to ensure a lower risk of loss of life from bushfires

Review of 2011 Margaret River bushfires

After the 2011 Margaret River bushfires, the State Government engaged Mr Mick Keelty to report on them as it had done for the earlier Perth Hills bushfires. The Department of Premier and Cabinet also engaged consulting firm Noetic Solutions Pty Ltd to undertake a formal post-incident review of the fires. Noetic's report was provided to the Government on 22 June 2012³⁰ but not forwarded to the State Emergency Management Committee (SEMC) for comments by its member agencies (such as FESA, DEC and WAPOL) until 9 August.³¹ DEC replied to the SEMC on 17 September and included responses and comments to "the 58 lessons in the Ellensbrook post-incident analysis and the 33 lessons in the Milyeannup post-incident analysis." The SEMC was then due to respond to the Government on 31 October.³²

In response to a Question on Notice in August this year, the Premier said that the Noetic report would be tabled in Parliament after it had been considered by the SEMC.³³ Near the first anniversary of the Margaret River fires, this report was tabled in Parliament on 15 November 2012. The Premier announced that the existing \$190,000 cap on compensation for residents would be removed as the Government accepted that the Department of Environment and Conservation (DEC) prescribed burns had created the fires.³⁴ This reporting process was extremely lengthy given that the Government had already received an earlier report from Mr Keelty on the fires. This delay added to the stress of affected residents trying to rebuild their lives (see evidence from the community witnesses below).

30 Hon Mr Colin Barnett, Premier, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), Questions on Notice, 7 August 2012, p4532.

31 Mr Wayne Gregson, Commissioner, Department of Fire and Emergency Services, Letter, 2 November 2012, p2.

32 Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p2.

33 Hon Mr Colin Barnett, Premier, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), Questions on Notice, 7 August 2012, p4532.

34 Mr Gareth Parker and Ms Georgia Loney, 'Fire Payouts to Rocket as Premier Admits Fault', *The West Australian*, 16 November 2012, p7.

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Finding 2

The report by Noetic Solutions Pty Ltd on the 2011 Margaret River bushfires was made public nearly 12 months after the fires and caused the Government to amend its assistance package for affected residents.

Recommendation 1

The Minister for Emergency Services must ensure that future post-incident analyses are completed and made public within eight weeks of a natural disaster.

A Statewide fuel load database

There are about 26,000 bush fire volunteers in 600 brigades which cover more than 80% of the State's firefighting services.³⁵ The association for the volunteer bush firefighters told the Committee of the relationship between fuel loads and the risk of a major bushfire, "the more fuel you have, the greater the risk; the less fuel you have, the less risk. So if you get a fire, the amount of time it takes to get that fire under control is a lot less with lower fuel loading."³⁶

The practise of these volunteers is to prepare for bush that has about eight tonnes to the hectare and this would allow their teams to adequately suppress a fire. They are concerned that the eight tonnes to the hectare threshold is no longer the average due to the lower level of prescribed burning "that has happened on all lands—not just one agency's land, but all lands".³⁷ The Committee heard disturbing evidence that:

*the average around one of the Kalamunda areas is between 18 and 32 tonnes [of fuel] to the hectare, and it really is a scary feeling. What that does is when we as volunteers go out into the field, that makes the actual threat to us as volunteers far greater. The radiant heat is higher and the heated threshold is higher, and so the potential for things going wrong is higher.*³⁸

Nearly two years after the 2011 Perth Hills bushfires, 10 of the 53 recommendations (nearly 20%) made by Mr Keelty have not yet been fully addressed. Half of these relate to agencies mapping their fuel loads and preparing a common Statewide database.³⁹

The Committee heard that both DEC and Western Power have comprehensive databases, while DFES and the Local Government Authorities (LGAs) in bushfire-prone

35 Mr Terrence Hunter, President, Association of Volunteer Bush Fire Brigades of WA (Inc), *Transcript of Evidence*, 2 November 2012, p3 & p12.

36 Mr David Gossage, Committee Member, Association of Volunteer Bush Fire Brigades of WA (Inc), *Transcript of Evidence*, 2 November 2012, p2.

37 Ibid.

38 Ibid.

39 Department of Premier and Cabinet, *Bushfire Review Stakeholder Briefing*, report prepared by Ms Genevieve Young, Policy Officer, Strategic Projects, Perth, 12 October 2012.

regions do not have such comprehensive systems. There has been little progress made on these recommendations over nearly 18 months by the Department of Premier and Cabinet, which is coordinating the development of the Statewide system.

The CEO of Western Power told the Committee that the largest database it has in operations is:

*a vegetation database. We have over 620,000 wood poles in the network and we inspect the bays (which is the span between the two poles) on an annual basis in high, extreme bushfire zones. Within those zones we record each tree that is of concern, so that has the potential to encroach on the clearance zone—the condition of that tree, the species of that tree and the ownership of that tree. This year we have inspected over 500,000 of those bays.*⁴⁰

The Western Power fuel load database identifies each piece of vegetation within its network's 96,000 kilometres length. Its inspection program focuses on the high and extreme fire-risk zones, which are investigated every year.⁴¹ Across the State, it has 41,025 wood poles in extreme fire risk zones and 125,586 in high risk zones. During the 2011-12 bushfire season there were 61 bushfires involving its assets.⁴²

The Department of Environment and Conservation's (DEC) annual target in the South West for prescribed burns is 200,000 hectares but during 2011-12 it burnt just 103,165 hectares.⁴³ In the first four months of 2012-13 it has burnt just 6,500 hectares.⁴⁴ Figures for the past decade are shown in Table 2.1 below.⁴⁵

Table 2.1- South West area burnt by DEC prescribed burns and wildfires (2002-12)⁴⁶

Year	South West prescribed burns area (ha)	Total area burnt (incl wildfires) (ha)
2011-12	103,165	103,836
2010-11	136,746	164,935

40 Mr Paul Italiano, Chief Executive Officer, Western Power, *Transcript of Evidence*, 24 October 2012, p4.

41 Ibid, p13.

42 Mr Paul Italiano, Chief Executive Officer, Western Power, Letter, Answers to Questions on Notice, 13 November 2012, p2&p4.

43 Department of Environment and Conservation, *2011–12 Annual Report*, September 2012, p5. Available at: dec.wa.gov.au/publications/2/doc_download/7806-annual-report-2011-2012-part-1.html. Accessed on 12 November 2012.

44 Mr R.F. Johnson, MLA, *Transcript of Evidence*, 7 November 2012, p6.

45 Ibid. In 2011-12 DEC completed its largest prescribed burning program, with burns undertaken across the State on about 7.7 million hectares.

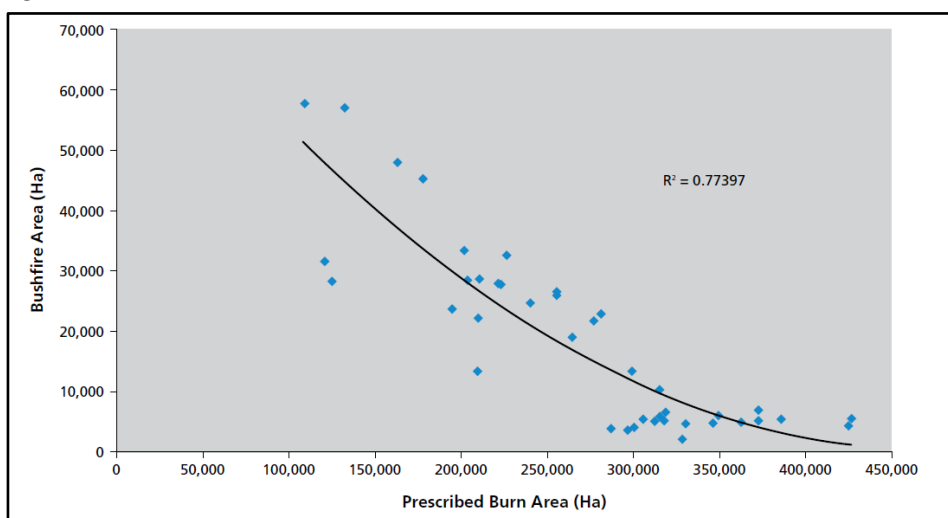
46 Information for 2002-11 from Dr Beth Schultz, Email, 30 October 2012. Information for 2011-12 from Department of Environment and Conservation, *2011–12 Annual Report*, September 2012, p5. Available at: dec.wa.gov.au/publications/2/doc_download/7806-annual-report-2011-2012-part-1.html. Accessed on 12 November 2012.

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2009-10	212,017	259,397
2008-09	151,818	175,728
2007-08	143,681	153,543
2006-07	138,602	170,376
2005-06	194,105	216,010
2004-05	213,102	263,671
2003-04	192,119	214,345
2002-03	144,835	284,579

DEC provided evidence to the Committee of the strong correlation between higher annual rates of prescribed burns and the subsequent areas of bushfire, as shown in Figure 2.1 below.⁴⁷

Figure 2.1- Correlation between areas of prescribed burns and bushfires



One of the reasons for the low level of prescribed burns in the past financial year is that after the 2011 Margaret River bushfires the Government suspended further prescribed burns within five kilometres of town sites and rural subdivisions in the South West bushfire risk zone until DEC's prescribed burning processes had been brought into compliance with ISO 31000. The Minister for Environment told Parliament on 27 September 2012 that he had lifted this ban.⁴⁸

DEC's submission to the Inquiry reported that there were about 2.1 million hectares of forests and other vegetation environments (mainly in the South West) that have not had a prescribed burn for more than seven years.⁴⁹ DEC's Director General said that

47 State Emergency Management Committee, *Emergency Preparedness Report 2012*, Government of Western Australia, Perth, October 2012, p53.

48 Hon Mr W. Marmion, Minister for Environment, Western Australia, Legislative Assembly, Parliamentary Debates (Hansard), 27 September 2012, p6698.

49 Submission No. 5 from Department of Environment and Conservation, 26 October 2012, p5.

DEC has “comprehensive mapping for the lands that we manage of age of fuel since last fire, and we have a good scientific understanding of relationships in terms of age since last fire and fuel loads and so on, particularly for jarrah and karri forests”.⁵⁰ DEC’s prescribed burning program is based on “a forward-looking, six-season, three-year prescribed burn program, which we revise each six months”.⁵¹

However, DEC told the Committee that while the target has not been met in most individual years, on average, “83% of the target has been met over the past 20 years in the South West, and in the last six years that achievement in the South West has averaged about 74% of the target.”⁵²

DEC is participating in work coordinated through the Department of Premier and Cabinet (DPC) and the new Office of Bushfire Risk Management (based in DFES) to develop an ‘all-of-landscape tenure blind fuel database’ but we do not lead this work.⁵³ A challenge for DEC in managing fuel loads is that the other 54% of the land in the State’s South West is held by numerous “government agencies, local government, private landholders and private companies. It is the task of consolidating that into a meaningful database and addressing it that is the challenge.”⁵⁴ It is important that this database provides comprehensive and timely maps for firefighters involved in future bushfires.

Finding 3

The creation of a Statewide fuel load database remains as the main outstanding recommendation to be implemented from the Keelty Inquiry into the Perth Hills bushfire in 2010.

Finding 4

Both Western Power and the Department of Environment and Conservation have comprehensive fuel load databases for the areas they manage.

Recommendation 2

The Minister for Emergency Services ensure that a Statewide fuel load database that includes data from Western Power, the Department of Fire and Emergency Services and the Department of Environment and Conservation be established before the 2013-14 bushfire season.

50 Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 29 October 2012, p5.

51 Ibid, p6.

52 Ibid, p4.

53 Ibid.

54 Ibid, p7.

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The drying South West

Other than the DFES new 'Capes strategy', no evidence was provided to the Committee that any of the State's firefighting agencies are restructuring their bushfire preparedness plans to ones based on a far drier South West. The plans put forward over the past year seem little more than addressing deficiencies in which past major bushfires were fought. The Committee was also told that DEC's climate change unit had now been closed due to the Government's budget cuts.⁵⁵

A drier climate in the South West has two significant impacts on creating a risk of larger and more destructive bushfires:

- fewer days on which low-intensity prescribed burns can be safely undertaken during the Winter and Spring; and
- fuel loads are drier and burn more fiercely during a bushfire.⁵⁶

As the Committee highlighted in its Report last year, the 2011 Keelty Report into the Perth Hills bushfire made it clear that the drying climate "has been accompanied by an increase in the frequency of extremely dry easterly winds" since the 1970s. As outlined above, the increasingly pronounced hot and dry conditions has left DEC considerably behind in its prescribed burning program in the South West over the past five years. Critically, Mr Keelty said there "has to be a point in time when the [State] Government recognises the climate is changing and uses this as a catalyst for reviewing and reforming policies that are affected by climate" and his report recommended "The State Government recognise the projected changes in climate and potential impact on future fire events."⁵⁷

The Minister for Water told the Parliament on 6 November 2012 that Western Australian research has shown that "that since 2000, the long-term, early winter drying trend in the South West region has intensified and expanded to new inland and southern coastal areas" of the State.⁵⁸ Figure 2.2 below is from the Water Corporation and graphically shows how the South West rainfall has decreased the inflow of water to Perth's dams since the 1970s.⁵⁹

55 Ms Toni Walkington, Branch Secretary, CPSU/CSA, *Transcript of Evidence*, 7 November 2012, p10.

56 Submission No. 5 from Department of Environment and Conservation, 26 October 2012, p3&p6.

57 Government of Western Australia, 'A Shared Responsibility: Perth Hills Bushfires February 2011 Review', 16 June 2011, pp157-158. Available at:

sharedservices.servicenet.wa.gov.au/bushfire/Perth_Hills_Bushfire_Report_Feb_2011.pdf.

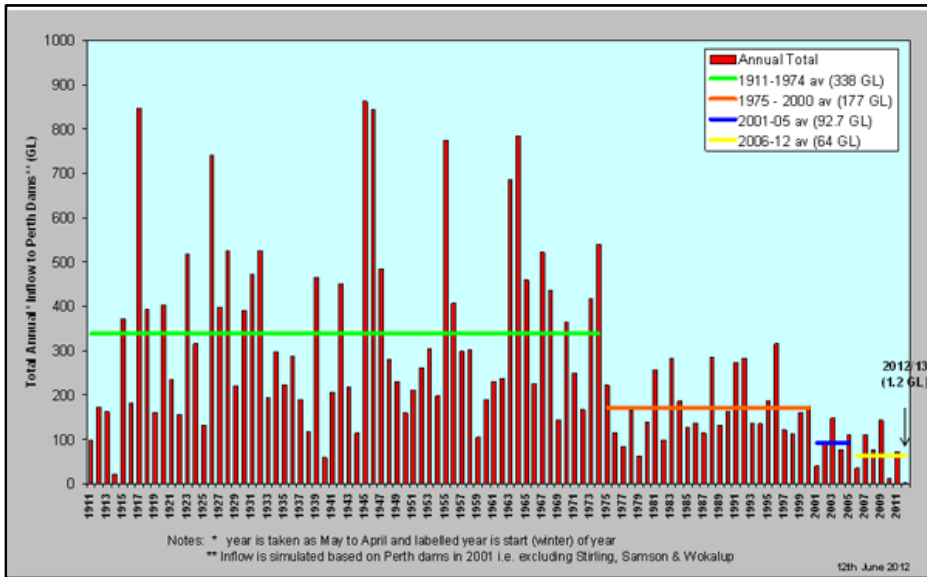
Accessed on 6 November 2012.

58 Hon Mr W. Marmion, Minister for Environment, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 6 November 2012, p7854.

59 Water Corporation, *Reduced Inflows to Dams*, nd. Available at:

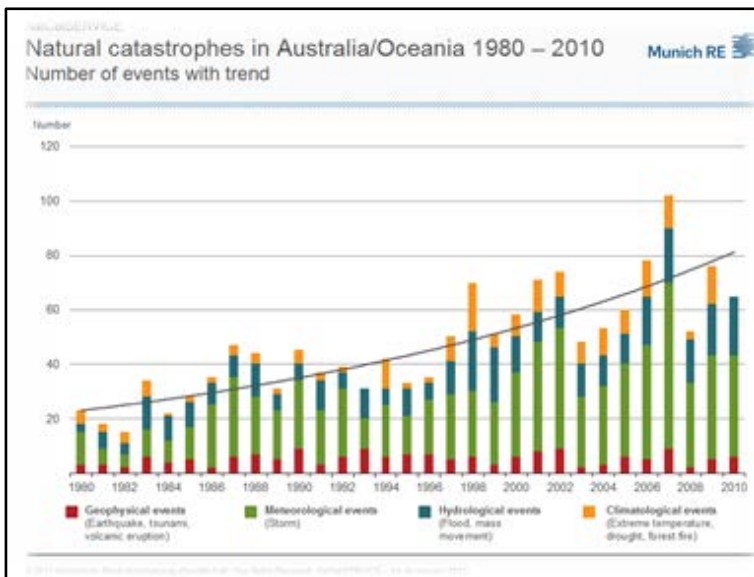
watercorporation.com.au/D/dams_streamflow.cfm. Accessed on 6 November 2012.

Figure 2.2- Inflow of water to Perth's dams (1911-2012)



Other than bushfires, the drying climate in Western Australia is also associated with a rise in major meteorological-driven natural disasters, as shown by data published by the Munich RE insurance group in Figure 2.3.⁶⁰ A list of the State's major bushfires and the damage caused to homes is in Appendix Six.

Figure 2.3- Increase in Australian natural disasters since 1980



60 Emergency Volunteering, *Why Should I Prepare?*, 2012. Available at: emergencyvolunteering.com.au/home/disaster-ready/menu/why-should-i-prepare. Accessed on 6 November 2012.

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The Committee heard that the recent Albany fire was an indication of a very serious bushfire season as “getting that sort of fire behaviour down South in the middle of October is almost unheard of.”⁶¹

Finding 5

Scientific research and data on rainfall in the South West over the past 30 years indicates that this region will become even drier in the next two decades and this poses additional risks for large bushfire events.

Recommendation 3

The State Government prepare a strategy before the 2013-14 bushfire season on how the main firefighting agencies should deal with a drier South West region where fewer prescribed burns can be completed each year.

Ad-hoc assistance for residents affected by bushfires

The Committee took evidence from witnesses who had been affected by the Toodyay, Perth Hills and Margaret River bushfires. This clearly highlighted deficiencies in the way in which the Government responds to natural disasters, especially bushfires, and assists their victims in that:

- Levels of assistance in the Government programs are ad-hoc;
- Compensation is insufficient to allow residents, even those who were fully-insured, to rebuild the homes that they lost in a bushfire;
- Compensation doesn't cover business losses for small businesses; and
- Emotional stress is not compensated.

These three fires have all involved Government agencies but the victims have received very different responses from the State Government:

Toodyay- Western Power gave evidence that it still does not accept that its infrastructure caused the 2009 bushfire, “The simple fact is it has not been conclusively established what was the cause of the Toodyay fire”.⁶² However, the Premier told Parliament in October 2010 that the Government accepted the link between the fire and Western Power's infrastructure. In making the statement, the Premier drew attention to two EnergySafety reports, the first of which exonerated Western Power

61 Mr Stephen Price, Branch Secretary, Australian Workers' Union, *Transcript of Evidence*, 7 November 2012, p11.

62 Mr Paul Italiano, Chief Executive Officer, Western Power, *Transcript of Evidence*, 24 October 2012, p2.

while the second ‘drew some association between the fire and Western Power infrastructure— something Western Power still disputes.’⁶³

The Government created a \$10 million package for residents, with a \$5 million contribution from Western Power.⁶⁴ The CEO of Western Power told the Committee that this assistance scheme had now closed and less than half of the assistance package had been expended.⁶⁵ The Minister for Energy told the Parliament that the scheme would not be reopened to Toodyay residents who have not already sought assistance. He also said he would not give Western Power a direction that it accepts full responsibility for the Toodyay fire.⁶⁶

The disconnect between the statement made by the Premier about the cause of the fire and the stance of Western Power is a cause of discontent to residents affected by this fire. Residents are also critical of the way in which RiskCover managed the claims. Mr Laurie Biggs told the Committee:

*the dairy farmers were at Toodyay. They lost their herd and were excluded from making a claim, and some other people were excluded from making claims as well. The other part about RiskCover was that there was a limit based on the money, and there were six categories. If you had a claim in every one, you were then penalised by 12%; so they put a ceiling on how much you could claim.*⁶⁷

Mr Biggs also said that, although some residents had not started a claim, many had “signed off on a pittance to what they were claiming, simply to get it over with because the stress is just intolerable.”⁶⁸

Perth Hills- Residents affected by this fire in 2011, that caused as great a loss of homes as the Toodyay and Margaret River fires combined, have had to rely just on donations from the Lord Mayor’s appeal fund⁶⁹ to assist them meet the higher costs to rebuild their homes due to the new *Building Code of Australia 2010* regulations.⁷⁰ These

63 Hon Mr Colin Barnett, Premier, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), Questions Without Notice, 12 October 2010, p7411.

64 Ibid.

65 Mr Paul Italiano, Chief Executive Officer, Western Power, *Transcript of Evidence*, 24 October 2012, p16.

66 Hon Mr Peter Collier, Minister for Energy, Western Australia, Legislative Council, *Parliamentary Debates* (Hansard), Questions Without Notice, 15 November 2012, p8694.

67 Mr Laurie Biggs, Toodyay Fire Enquiry Group, *Transcript of Evidence*, 14 November 2012, p8.

68 Ibid, p7.

69 Mr Frank Duffy, Secretary, Kelmscott Bushfire Action Group, *Transcript of Evidence*, 14 November 2012, p8.

70 Plumbing Industry Commission, *Fact Sheet*, nd, p1. Available at: pic.vic.gov.au/resources/documents/Bushfire_standard_fact_sheet.pdf. Accessed on 16 November 2012.

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regulations range from requiring additional leach drains to a new four-metre high retaining wall costing about \$100,000.⁷¹

The Committee heard evidence that most affected residents were fully insured and some had contacted FESA before the fire to ensure that their homes were prepared for the bushfire season.⁷² These witnesses gave evidence that some of the actions of FESA had contributed to a larger loss of homes than might have been the case. These included a decision to focus on evacuating residents and not fighting house fires:

We have evidence to show the firefighters just standing there watching the fires happening. There are statements in this report where it was stated that people were screaming “put the fire out in my house” and the firefighters refused to do it because they were instructed not to put fires out but, in actual fact, to save lives.”⁷³

Another witness told how FESA had cut off scheme water in the area which meant that house protection reticulation systems did not function.⁷⁴ These residents had sought a similar ‘hardship payment’, as the Margaret River residents had received, from the Premier for compensation but this has been unsuccessful and they were told this was “because the Government had no causal links to your fire.”⁷⁵ The Premier confirmed this stance in a recent answer to a Question Without Notice in Parliament, “There has never been any suggestion that the Government was at fault in any respect.”⁷⁶

Margaret River- As noted above, it took nearly a year for the Government to accept that the DEC prescribed burns were the cause of these fires, although this was evident from the first day of the fires and was reported to the Government by Mr Keelty on 27 January 2012.⁷⁷ The residents have had to suffer nearly a year of tortured and stressful negotiations with their insurers and RiskCover for compensation only to find that the Government has now agreed to fully compensate them. The process also exacerbated tensions in the Margaret River community:

The RiskCover money was seen as a band aid, because one size does not fit all. You cannot talk about Wallcliffe House and someone’s shed

71 Mr Frank Duffy, Secretary, Kelmscott Bushfire Action Group, *Transcript of Evidence*, 14 November 2012, p9.

72 Ms Robyn Lewis, *Transcript of Evidence*, 14 November 2012, p9.

73 Mr Frank Duffy, Secretary, Kelmscott Bushfire Action Group, *Transcript of Evidence*, 14 November 2012, p9.

74 Ms Robyn Lewis, *Transcript of Evidence*, 14 November 2012, p9.

75 Mr Frank Duffy, Secretary, Kelmscott Bushfire Action Group, *Transcript of Evidence*, 14 November 2012, p11.

76 Hon Mr Colin Barnett, Premier, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), Questions Without Notice, 15 November 2012, p8768.

77 Mr Mick Keelty, *Margaret River Bushfire Special Inquiry*, 27 January 2012, p1. Available at: dpc.wa.gov.au/Publications/Documents/Margaret%20River%20Bushfire%20Inquiry.pdf. Accessed on 16 November 2012.

*in the same sentence. Some people were granted the full amount, some people less, and it left people angry and frustrated because there were conversations between friends, "Did you get this? What did you get?" It went part of the way to alleviating the financial shortfall, but there is no surprise the class action started after that.*⁷⁸

What is not yet clear is whether this new approach to compensation will fully reimburse small businesses for their losses since the bushfires. The Committee was told that "most businesses are down about 20 or 30% in their business in the last year", and of the complications in terms of business losses:

*we are looking at around \$150,000 in losses. Likewise, listening to the people before, we were adequately insured. We spend \$40,000 a year on insurance in our business: public liability; worker's compensation. You would think you are heavily covered, but we had \$10,000 of refrigerated product that had been bought in the week before the fires for school leavers' week. My insurance covers for \$2,000 for when the fridges go down, but I am down \$8,000.*⁷⁹

Another factor in considering the levels of compensation to victims of bushfire are recent decisions made by the Government for other ex-gratia payments:

- Two runners badly burnt in the Kimberly Ultra-marathon were given \$450,000 each on 13 November 2012;⁸⁰
- An ex-policeman affected by post-traumatic stress disorder was awarded \$230,000 on 9 July 2012;⁸¹ and
- A \$3.3 million payment was made to Constable Matthew Butcher for injuries from a physical assault while he was on duty.⁸²

Finding 6

In relation to all three recent major bushfires, the Committee found that there was a lack of clarity in communicating with victims on any assistance or the criteria for eligibility. The words 'compensation' and 'assistance package' were used interchangeably by the Government, which caused confusion. In cases where victims

78 Mr John Bradbury, Resident/Business Owner, *Transcript of Evidence*, 14 November 2012, p4.

79 Mr Gregory Home, Manager of Business, *Transcript of Evidence*, 14 November 2012, p5.

80 Ms Beatrice Thomas and Mr Steve Pennells, 'State Gives Maimed Runners \$450,000', *The West Australian*, 14 November 2012, p5.

81 Mr Daniel Emerson and Mr Luke Eliot, 'Ex-cop gets \$230,000 for Shootings Trauma', *The West Australian*, 12 July 2012, p6.

82 Mr Luke Eliot, 'Rethink on Police Hit by Stress', *The West Australian*, 16 July 2012, p10.

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were unhappy, the Government suggested that they pursue legal action while not releasing sufficient information for such decisions to be made.

Finding 7

The State Government has compensated the victims of recent major bushfires in an ad-hoc fashion.

Recommendation 4

The State Government prepare a consistent policy on how to assist or compensate the victims of future major natural disasters, such as bushfires, in an equitable fashion.

Another issue that was raised by the witnesses, but which the Committee only took limited evidence of, was the ability of RiskCover to efficiently manage the task of assessing in a timely fashion the assistance proposed for affected residents of a large bushfire. The Committee was given an example of emails from a RiskCover assessor to an affected resident in Margaret River who had lost his home in the fire and received nearly 10 months after the fire an offer of just \$53,000 (well under the cap of \$190,000) in compensation (see Appendix Eight). The emails showed a lack of empathy from the assessor to a family that had not just lost its home, but all associated items with high emotional value (eg photos of weddings, birthdays):

you should be guided by the fact that I have been a Loss Adjuster for over 35 years. I understood exactly what your insurers have done to settle your claim.

There is nothing you told me [or didn't tell me] when I met you on site which caused my assessment of your claim on the Government Scheme to (sic) substantially wrong.⁸³

Another witness told the Committee that it took seven months for him to first meet the RiskCover assessor and that “we needed more resources on the ground to address suffering and damage.”⁸⁴

Recommendation 5

The Treasurer undertake a review by the next bushfire season of the ability of RiskCover to efficiently undertake loss assessing and compensation activities for victims of major natural disasters, such as a bushfire, in an empathic and timely fashion.

83 RiskCover, Email to claimant, 9 September 2012 (see Appendix Eight).

84 Mr John Bradbury, Resident/Business Owner, *Transcript of Evidence*, 14 November 2012, p6.

Communications network

The Committee's report last year found that "The area of radio communications is one where the major State agencies have a high level of interoperability, although the Police digital trunk radio network will not be completed for another five years."⁸⁵ The Committee was told by the Commissioner of Police that the rollout of WAERN (Western Australian Emergency Radio Network) across the State will take about four years and has been further delayed. It has only commenced this year.⁸⁶ The United Firefighters Union told the Committee that Budget cuts were behind the delay in rolling out the digital radio system:

Whilst we are moving towards similar communications, we are supposed to be having digital now that we are all on the same digital. In fact, that has not happened through budgetary constraints. We are stuck with an interim system. We have five portables at a truck that we have to use to communicate on a job depending on who we are talking to. That in itself is a major issue. Obviously, the more equipment that we have that is trying to communicate, the more areas we can go wrong in.⁸⁷

Finding 8

Effective radio communications are crucial to the State's first responders battling major natural disasters and it is disappointing that budgetary constraints are hindering improvements within the radio network.

More seriously, the Committee heard from both volunteer bush fire brigade members and career firefighters that digital components of the new WAERN radio system have serious problems, both in regional areas and suburban Perth. While it was acknowledged in last year's report that the new system relied on the use of repeater stations to ensure its effectiveness, users have found in both regional and urban areas that smoke is one of many issues that causes the radio communications to break down, "the other factor of this being the high-band system is that it is affected by smoke, terrain and moisture. Well, guess what? What do we do?"⁸⁸

85 Community Development and Justice Committee, *Western Australia's Readiness for the 2011-12 Bushfire Season*, Legislative Assembly, Parliament of WA, Perth, 24 November 2011, p35.

86 Dr Karl O'Callaghan, Commissioner of Police, Western Australia Police, *Transcript of Evidence*, 2 November 2012, p10.

87 Mr Frank Martinelli, President, United Firefighters Union of Australia, WA Branch, *Transcript of Evidence*, 7 November 2012, p4.

88 Mr David Gossage, Committee Member, Association of Volunteer Bush Fire Brigades of WA (Inc), *Transcript of Evidence*, 2 November 2012, p8.

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The volunteer firefighters reported that “The technical people say it should not happen, but there are numerous accounts, when you are out there talking to people on the ground—the end users—that it is occurring.”⁸⁹ Subsequently:

*I have just been down through the lower Great Southern and that, which takes you from Esperance right out to basically Kalgoorlie, and all the end users are complaining about the coverage they are getting with the radios. There are not enough repeaters in the system to give them coverage. They have got less coverage now than what they had with the mid-band.*⁹⁰

The Committee was told by both the volunteer bush firefighters and career firefighters that the problems with the new handsets has meant that they have reverted to using their older UHF radio systems for communications if they are behind a building and out of the line of sight to the radio repeaters, or if the WAERN radios are affected by smoke:

*I am talking about in my area in Osborne Park—we have only one designated communications plan because all the repeaters are on the [Darling] Scarp. We have actually trialled the plan that is set up for us and it falls over straight up if we are not in line of sight. We have gone back to the UHF hand-helds [radios] by line of sight. ...Any smoke will do it.*⁹¹

Finding 9

Communication between firefighting agencies and their staff, particularly in many regional areas, remains a major challenge and the new WAERN digital radio system seems to have significantly degraded performance in the bushfire environment.

Finding 10

It is disturbing to the Committee that every report on recent major natural disasters has recommended actions around the communication systems (such as WAERN) used by the major agencies. This is despite every Committee Inquiry being given assurances that these systems have been markedly improved.

89 Mr Terrence Hunter, President, Association of Volunteer Bush Fire Brigades of WA (Inc), *Transcript of Evidence*, 2 November 2012, p8.

90 Ibid.

91 Mr Frank Martinelli, President, United Firefighters Union (WA Branch), *Transcript of Evidence*, 7 November 2012, p8.

Recommendation 6

The Minister for Emergency Services should urgently review the technical issues with the WAERN program that is forcing the State's firefighters to revert to their older radio networks.

Appendix One

Inquiry Terms of Reference

The Committee will examine relevant State Government agencies and community organisations as to the State's preparedness for this year's fire season, especially:

- i) the implementation of recommendations flowing from inquiries and reviews of recent bushfires in Western Australia;
- ii) the funding of recommendations flowing from inquiries and reviews of recent bushfires in Western Australia; and
- iii) the ongoing impact on victims of communities recently affected by bushfires.

Appendix Two

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

Appendix Three

Submissions received

Name	Position	Organisation
Mr Roger Underwood	Chairman	The Bushfire Front Inc. parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/5EFE101EE2B8B64D48257A9A001108AD/\$file/49131787.pdf
Hon Mr A.A. Lewis		parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/95980B4F306F5B2048257A9A0011404E/\$file/92768004.pdf
Mr Maxwell Szulc		www.parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/021341D7B7C4D95448257A9A00112565/\$file/39440751.pdf
Mr Stephen Price	Secretary	Australian Workers' Union (WA Branch) parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/1CE694246FC233FD48257AA6000A4152/\$file/60176615.pdf
Mr Keiran McNamara	Director General	Department of Environment and Conservation parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/1570867FD899141F48257AA6000A9064/\$file/07871139.pdf
Mr Terry Hunter	President	Association of Volunteer Bush Fire Brigades of WA Inc. parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/FCD77CA021CC6B4D48257AA6000AECD/\$file/03758870.pdf
Mr Max Margetts		parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/20212DB8817B7E7F48257AA6000C1C88/\$file/Sub+7-+Max+Margetts+(2).pdf
Ms Toni Walkington	Branch Secretary	Community and Public Sector Union/Civil Service Association WA parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/525A8254CF2B24DC48257AA6000AB3B9/\$file/59828773.pdf
Mr Frank Martinelli	President	United Firefighters Union of Australia (WA Branch) parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/0360F9F0EBE58F5F48257AAF00280C0C/\$file/76694104.pdf

Appendix Four

Witnesses who provided evidence at hearings

Date	Name	Position	Organisation
24 October 2012	Mr Paul Italiano	Chief Executive Officer	Western Power
	Mr Dean Frost	Operations Reliability and Capacity Manager	
	Mr Gordon East	Manager	
	Mr Tony Baird	Bushfire Strategist	
	Mr Gregory Blee	Field Services Coordinator	
29 October 2012	Mr Keiran McNamara	Director General	Department of Environment and Conservation
	Mr Peter Dans	Director, Regional Services	
	Mr Wayne Gregson	Chief Executive Officer	Fire and Emergency Services Authority ⁹²
	Mr Richard Butcher	Program Director	
	Mr Lloyd Bailey	Chief Operations Officer	
	Ms Ricky Burges	Chief Executive Officer	Western Australian Local Government Association
	Mrs Allison Hailes	Executive Manager	
2 November 2012	Dr Karl O'Callaghan	Commissioner of Police	Western Australia Police
	Mr Duane Bell	Assistant Commissioner	
	Mr Terrence Hunter	President	Association of Volunteer Bush Fire Brigades of WA (Inc).
	Mr David Gossage	Committee Member	
7 November 2012	Mr Stephen Price	Secretary	Australian Workers' Union (WA)
	Ms Toni Walkington	Branch Secretary	Community and Public Sector Union/Civil Service Association WA
Mr John Carter	DEC representative		
	Mr Frank Martinelli	President	United Firefighters Union (WA Branch)
	Mr Kevin Jolly	Secretary	
	Ms Lea Anderson	Assistant Secretary	

⁹² On 1 November 2012 FESA became the Department of Fire and Emergency Services and Mr Gregson was appointed its Commissioner.

14 November 2012	Ms Robyn Lewis	Private citizen	Kelmscott
	Mr Frank Duffy	Secretary	Kelmscott Bushfires Action Group
	Mr Larry Graham	Private citizen	Toodyay
	Mr Laurie Biggs	Private citizen	Toodyay Fire Enquiry Action Group
	Mr John Bradbury	Private citizen	Margaret River
	Mr Steve Enright	Private citizen	Margaret River
	Mr Gregory Home	Private citizen	Margaret River

Appendix Five

Unactioned recommendations from the Committee's 2011 Report

Recommendation 1

The Minister for Emergency Services report to Parliament every six months on the progress made in completing all of the outstanding recommendations of the Keelty Report.

Recommendation 2

The Minister for Emergency Services introduce by the 2012-13 bushfire season psychological testing of all FESA career staff and bushfire and rescue volunteers.

Recommendation 3

At the conclusion to the 2011-12 bushfire season, the Minister for Emergency Services institute a thorough review of the operations of FESA, the Police and DEC in protecting the State from bushfires and other natural disasters, with a primary focus on:

- staffing levels;
- equipment levels and coordination; and
- training needs.

The Minister report to Parliament by June 2012 on any changes that need to be made to the current departmental structures to optimise the State's preparedness for the 2012-13 bushfire season.

Recommendation 4

The Minister for Emergency Services ensure that a whole-of-government equipment register of the firefighting equipment held by FESA, DEC and local government authorities is in place for the 2012-13 bushfire season.

Recommendation 5

The Minister for Local Government have urgent discussions with the Western Australian Local Government Association (WALGA) as to why they are not supporting the full implementation of the recommendations addressed to local government in the

Keelty Report. The Minister ensure that by May 2012 WALGA and its member councils have the resources to fully implement the recommendations.

Recommendation 6

The Minister for Planning report to Parliament by May 2012 on the urgent actions undertaken by the Department of Planning and the Western Australian Planning Commission (WAPC) to transfer responsibility for declaring bushfire probe areas to the WAPC.

Recommendation 7

The Minister for Emergency Services institute a thorough review by December 2012, including a comparison to other jurisdictions, of the risk analysis processes used by FESA, the Police and DEC to prepare them to protect the State from bushfires and other natural disasters.

Recommendation 8

In implementing the Keelty Report's recommendation 42, the Ministers for Emergency Services and Environment jointly report to Parliament by May 2012 on the likely impacts on, and implications for, the future bushfire operations of the State Government of the drying climate in the State's South West region.

Recommendation 9

The Minister for Emergency Services amend section 50 of the Emergency Management Act 2005 by June 2012 to allow the State Emergency Coordinator, as well as a hazard management agency, to make an emergency situation declaration.

Recommendation 10

The Minister for Environment bring to Parliament by June 2012 amendments to the Conservation and Land Management Act 1984 that reflect the use by the Department of Environment and Conservation of prescribed burns for both biodiversity conservation and community protection purposes.

Recommendation 11

The Minister for Police and Emergency Services and the Minister for the Environment report to Parliament by December each year as to the state of readiness of the main State Government agencies tasked with fighting bushfires.

Recommendation 12

The Minister for Emergency Services ensure that the annual budget of FESA contains the funds it requires to coordinate an annual multi-agency bushfire field exercise, alongside other desktop exercises, to be held in different regions of the State each year. The outcomes of this field exercise should be included in the proposed annual Ministerial statement to Parliament on bushfire readiness before each season.

Recommendation 13

The Minister for Emergency Services makes it a priority that the annual budgets of FESA and WA Police are sufficient to bring forward the completion dates of the current radio projects now underway.

Recommendation 14

The Minister for Emergency Services ensure that FESA has the funds to implement the installation and use of WebEOC for use during the 2011-12 bushfire season and immediately put in place common protocols with the Police and DEC to record significant events during a bushfire.

Recommendation 15

The Minister for Emergency Services, with advice from the Interagency Bushfire Management Committee Fuel Load Management sub-committee, report to Parliament by May 2012 on the estimated cost of developing one fuel load information system across all lands in Western Australia, no matter who manages it. This system's information should be readily accessible and easily understood by all stakeholders, including the public.

Recommendation 16

The Minister for Emergency Services and the Minister for Local Government review and report to Parliament by May 2012 on ways in which the State's volunteer firefighters and rescue workers can be more effectively managed and valued.

Recommendation 17

The Minister for Emergency Services and the Minister for Environment develop by December 2012 a Volunteer Charter that recognises the important work undertaken by the State's volunteer bushfire and emergency services personnel.

Recommendation 18

The Minister for Emergency Services and the Minister for Local Government provide additional resources to FESA, DEC and WALGA in the 2012-13 Budget to improve the

Western Australian community's knowledge of bushfire safety and to allow these agencies to involve the public in their exercises.

Recommendation 19

The Minister for Emergency Services commission an independent report to Parliament by June 2012 on the best practices in other jurisdictions to increase the rate of residents likely to be effected by a bushfire who properly prepare their properties before the bushfire season.

Recommendation 20

The Minister for Emergency Services commission an independent report to Parliament by June 2012 on an assessment of the success of FESA's Total Fire Ban community education campaign in improving the community's knowledge on this issue.

Recommendation 21

The Minister for Emergency Services report to Parliament by May 2012 on the resources required to ensure a 'One Source One Message' multi-layered information system, as recommended by the Keelty Report, including any upgrades required for FESA's current State Alert system.

Appendix Six

Major WA bushfires (1961-2011)⁹³

Date	Location	Area Burnt (ha)	Deaths	Buildings Lost
January–March 1961	Dwellingup, Pemberton and Darling Scarp	1,800,000	0	160
April 1978	Donnybrook, Boyup Brook, Manjimup, and Bridgetown	114,000	2	6
January 1997	Wooroloo	10,500	0	16
December 1997	Perth and SW Region	23,000	2 (21 injuries)	1
December 2003	Tenterden	2,110,000	2	
February 2007	Dwellingup	12,000	0	16
December 2007	Boorabbin National Park	40,000	3	-
December 2009	Toodyay	3,000	0	38
January 2011	Lake Clifton	2,000	0	10
February 2011	Kelmscott-Roleystone	1,500	0	72 destroyed and 32 damaged
November 2011	Margaret River-Nannup	64,000	0	47 (including historic Wallcliffe House) and 23 damaged

⁹³ *Major Bushfires in Australia*, 4 November 2012. Available at: http://en.wikipedia.org/wiki/Bushfires_in_Australia. Accessed on 5 November 2012.

Appendix Seven

Noetic Solution Pty Ltd report on Margaret River bushfires

After the Nannup and Margaret River bushfires in November 2011, the Department of Premier and Cabinet (SEMC) commissioned Noetic Solutions Pty Ltd (based in the ACT) to undertake a post-incident analysis (PIA) of the fires. The Premier tabled this report, and the response to its 91 lessons by the State Emergency management Committee (SEMC), on 15 November 2012. The timeline for this process was:

- Noetic commissioned to undertake PIA- March 2012;
- PIA provided to DPC on 22 June 2012;
- SEMC provided with PIA on 7 August 2012 and asked to respond;
- DEC and FESA respond to SEMC on 12 September 2012; and
- SEMC responds to DPC on 31 October 2012.

The Noetic Reports are available here:

Nannup bushfire-

dpc.wa.gov.au/Publications/Documents/Margaret%20River%20Post%20Incident%20Analysis%202012.pdf

Margaret River bushfire-

dpc.wa.gov.au/Publications/Documents/Nannup%20Post%20Incident%20Analysis%202012.pdf

DEC's response to the 91 Noetic Report can be read here:

[parliament.wa.gov.au/Parliament/commit.nsf/\(Evidence+Lookup+by+Com+ID\)/4A8F7B2FBBC1DEB48257AA6001B0BAD/\\$file/Sub+5a.pdf](http://parliament.wa.gov.au/Parliament/commit.nsf/(Evidence+Lookup+by+Com+ID)/4A8F7B2FBBC1DEB48257AA6001B0BAD/$file/Sub+5a.pdf)

FESA (now DFES) responses to the Noetic Report can be read here:

parliament.wa.gov.au/Parliament/commit.nsf/a7b778ee55fef62a4825772700174a2c/058aa158c2cab4cf48257ab70015875e?OpenDocument

SEMC's response to the Noetic Report can be read here:

dpc.wa.gov.au/Publications/Documents/State%20Emergency%20Management%20Committee%20Advice%20re%20Noetic%20Reports.pdf

Appendix Eight

Assessing the loss from the Margaret River bushfires

The Committee heard from witnesses of the Toodyay, Roleystone-Kelmscott and Margaret River bushfires of the trauma arising from the schemes established by Government agencies to assess the losses that could be compensated by the State Government. The following emails relate to the assessment process for one witness who appeared before the Committee (with names removed). The witness was offered only \$53,500 (out of a limit of \$190,000) and there was no later change to the offer.

30 August 2012

[Witness],

Further to our discussions regarding your entitlement under the Scheme I have now received approval to offer a payment to you.

You should note that the Scheme is intended to assist you dealing with uninsured or under-insured property losses. The Scheme does not include economic loss, vegetation or upgrading. Importantly, the Scheme is based on the value of the lost or damaged items [not their replacement cost].

Following our discussion I reviewed the losses you reported and assessed them within the framework of the 6 categories specified in the Scheme. I determined your entitlement and then reported to the Government.

The amount being offered to you is shown in the attached Acknowledgement of Payment form. If you wish to accept this offer you should print the form and complete it in front of a suitably qualified person such as a JP. In completing the form you are making a statutory declaration which requires the content to be true and correct.

You can either mail the completed form to me at the address below or scan the completed form and email a copy back to me [but the signed original should still be mailed to me for my file].

Please contact me by email or on XX if any further clarification is needed.

REGARDS [RISKCOVER ASSESSOR]

RISK CONTROL SERVICES, 8/100 MILL POINT RD, SOUTH PERTH, WA 6151

3 SEPTEMBER 2012

Subject: Re: FINANCIAL ASSISTANCE SCHEME - PAYMENT OFFER

[Riskcover Assessor],

XX and I have been frustrated with the lengthy delay of the Financial Assistance Scheme offer. It has been 10 months since we lost our home and over 4 months since we met with you to discuss our losses.

We have uninsured losses of around \$500,000, just on replacing our home. A short fall of nearly \$170,000 of uninsured contents. This is without quantifying any other losses that do or do not fall under the Financial Assistance Scheme and the additional costs associated with new building codes.

When you came and reviewed us, we discussed and provided evidence of this and you indicated at that time, we would most likely be eligible for the maximum amount of \$190,000, under the various categories. This was comforting and as our neighbour had received their offer quite soon after, we assumed we would receive ours, sooner rather than later.

The offer presented by your email bears no resemblance to your words of comfort and those words now seem to be of little intent. We cannot understand why the proposed assistance level is so low. Considering the information we provided you with and discussions about all that we have lost, including Construct's quote not including the house pad or separate shed dwelling! We believe that if there were any queries or discrepancies you should have contacted us long ago to discuss this. How have you arrived at this amount?

In attempting to contact you in July, not only did you not reply to my two calls but you were insensitive to XX when she called, in suggesting that 'everybody wants to know how much they will receive, so they know how to speck out their kitchens'

This whole process has been very upsetting for us and we feel insulted by this inadequate offer.

Due to DEC burning our home down, we have had to endure losses financially, mentally and physically. We cannot replace our home.

We ask that you review our claim and ask that you do this promptly and help rectify the situation.

[Witness]

8 SEPTEMBER 2012

[Witness],

I'm catching up on emails from a few days ago.

Thank you for letting me know of your decision to reject the payment offer [and request a review]. I will report to the Govt including the information you have provided. It will take several weeks to go through the re-assessment process. I will advise you as soon as I receive further instructions.

Regards [Riskcover Assessor] RISK CONTROL SERVICES

Subject: Re: FINANCIAL ASSISTANCE SCHEME - PAYMENT OFFER

[Riskcover Assessor],

Thank you for the reply.

We believe that the discrepancy to the amount we are entitled too has come about from us providing a quote that clearly does not replace the buildings.

The insurance company required the two quotes, to prove replacement would be at least the sum insured. Both quotes came in above the insured amount and they therefore payed us out our policy. We were surprised at the time at the difference between the two quotes. The insurance assessor also felt the lower quote odd and expected us to be quite underinsured. He asked Construct to check their estimates, which took another month to establish. We signed the insurance discharge to settle our claim for the full sum insured to then realise upon them releasing full documentation, that the quote from Construct was incorrect. The house pad, the entire separate dwelling and potentially other things were not included.

We then went to the insurance company to have this amended, but they were not concerned because either way they needed to pay us our full amount of 1,300,000. I explained all this to you the day of our meeting and thought you understood. I believed it was best to disclose every piece of information I had, in regards to this situation. I have since been advised that i probably should have never given this incorrect quote to you as it is completely inaccurate. We now believe this quote should be withdrawn. We expect this information helps in the re-assessment process.

Regards

[Witness]

9 SEPTEMBER 2012

Subject: Re: FINANCIAL ASSISTANCE SCHEME - PAYMENT OFFER

[Witness],

you should be guided by the fact that I have been a Loss Adjuster for over 35 years. I understood exactly what your insurers have done to settle your claim.

There is nothing you told me [or didn't tell me] when I met you on site which caused my assessment of your claim on the Government Scheme to (sic) substantially wrong. The quotations which you made available to me were only used as a guide. You shouldn't imagine that I simply tossed a coin to decide what offer should be made to you. The experience of all of those 35 years was applied to all claims. The majority of people believe I landed in the right place on their claims [and have accepted their offers]. It is not abnormal to have a situation such as yours where you do not agree with me. That happens in all of these Schemes and that is what we are working through at the moment.

You need to understand that the Government Scheme is based on the indemnity value of your house [what it is worth] and NOT the cost to replace it. The Scheme is NOT one of reinstatement [which your insurance policy was] and there is a vast difference between the value of a house and what it would cost to replace.

I fully understand that the offer which has been made is not as high as you would like and is not going to materially assist in the reinstatement of your house. You should appreciate that this has been caused by the requirement to settle your mortgage before you received the residual funds.

I will report your views to the Government (sic) and await its further instructions.

Regards [Riskcover Assessor] RISK CONTROL SERVICES