

Appropriate notes on which to commence my submission:

Story in *The Australian*, dated 19 September 2023, concerning the evacuation of the township of Tara in the Western Downs area of Queensland due to a bushfire burning nearby.

Then, yesterday:

Evacuation of Coles Bay Road, Friendly Beaches on the east coast of Tasmania. I later heard that people were sleeping in their cars due to lack of suitable temporary facilities to accommodate them.

I'll get back to evacuation later in my submission.

The following is my request to the Victorian Coroner following the 2019-20 bushfires and a suitable platform on which to base my submission:

"During the bushfire, sometimes known as the bushfire season of 2019-20, Victoria endured fires in the natural environment that caused substantial loss and damage to the social, economic and natural environment.

"The most obvious loss and damage was suffered in the relatively remote coastal Township of Mallacoota, where residents and visitors at the height of the summer holiday season were at serious risk, with at least 100 homes plus assorted business structures were lost, those wishing to leave following the fire were denied the opportunity due to the one access/egress road being closed for days, and immeasurable damage done to the natural environment that is flora and fauna around Mallacoota. There was at least one death associated with this fire.

"To enable people who wished to leave after the fire the Defence Department made available ships and aircraft to evacuate them, and bring in urgently need supplies including fuel for vehicles and generators that normally would come by road.

"Following the fires the Government of Victoria commissioned a report by the Inspector General for Emergency Management (IGEM) and the Commonwealth Government commissioned a Royal Commission into Natural Disaster Arrangements that included bushfire. I contend that both inquiries were largely response and recovery focussed, in the case of Victoria the IGEM failed to fully cover the requirements of and report on any shortcomings in the government's fully addressing the section 5 of the Emergency Management Act, particularly subsection (a):

#### **5 Objectives of Emergency Management] Act**

The objectives of this Act are to—

- (a) foster a sustainable and efficient emergency management system that minimises the likelihood, effect and consequences of emergencies; and
- (b) establish efficient governance arrangements that—
  - (i) clarify the roles and responsibilities of agencies; and
  - (ii) facilitate cooperation between agencies; and
  - (iii) ensure the coordination of emergency management reform within the emergency management sector; and
- (c) implement an "all communities—all emergencies" approach to emergency management; and
- (d) establish integrated arrangements for emergency management planning in Victoria at the State, regional and municipal levels.

"The Emergency Management Commissioner has responsibilities under Section 32 Functions and 33 Powers in the Emergency Management Act. I further contend that the focus of the Commissioner seems primarily about emergency response and recovery and seriously neglects the minimising of the "likelihood, effect and consequences" of bushfire emergencies, and that is apparent from the Mallacoota disaster and effect of fires elsewhere in Victoria at that time.

“At the time of the fires other bodies such as the CFA, certain municipalities and the Department of Land, Water and the Environment (DELWP) had statutory and Code of Practice responsibilities for life safety and fire related issues.

“Having regard to the foregoing and the human, financial and environmental damage resulting from the bushfires I respectfully request that a Coronial Inquiry be established to consider in detail the following:

- Lack of protection around Mallacoota Township that allowed a fire approaching from the west or southwest to enter, indeed rollover the Township—was there ever a likelihood and consequence assessment conducted for Mallacoota according to section 5(a) Emergency Management Act 2013 and the Code of Practice for Bushfire Management on Public Land 2012.
- Health and safety of the response and supporting bodies, and the general public, particularly during the passage of the fire through Mallacoota. This must also be a question for investigation concerning the other communities and road lifelines impacted by or threatened by bushfire. What are the implications for holistic management—or mismanagement—of the fires according to WorkSafe Victoria’s requirements to report a “near miss” or “potentially dangerous incident”?
- Lack of a pre-planned and recognised community bushfire refuge in Mallacoota—since the establishment of Emergency Management Victoria there has been sufficient time to establish such a refuge, particularly given its remoteness and popularity as a holiday destination during the summer holidays hence normally the peak of the bushfire season.
- In the looming face of the fire front a rescue mission was mounted to capture Eastern Bristlebirds to preserve the species that otherwise might have been lost during the passage of the fire. Considering the risk to the people involved this must have been a reportable “near miss” situation according to WorkSafe Victoria. Raises the question of the efficacy of Incident Control over the area involved generally east of Mallacoota and how this potentially human life threatening situation was allowed to occur.
- Failure to maintain the Mallacoota access/egress roadsides in a condition that would not have required it to be closed for several days following the passage of bushfire through the area. Given its obvious importance to Mallacoota, why was this allowed to occur and which bodies were responsible for the integrity of that road.
- Why was Recommendation 56 of the Victorian Bushfires Royal Commission concerning land and fuel management abandoned by the Government of Victoria:

“The State fund and commit to implementing a long-term program of prescribed burning based on an annual rolling target of 5 per cent **minimum** of public land. (my emphasis)”

The five per cent minimum target has been replaced with prescribed burning or other fuel reduction methods now based on Residual Risk. What is Residual Risk, how was it developed and what is the efficacy of the methodology in managing public land, at least to the extent and spirit recommended by the Royal Commission.

- With Mallacoota Township virtually surrounded by National Park, what influence did Parks Victoria management at local and State level have in influencing the protection of the township from the bushfire emanating from the park impacting on the township.
- Concerning Recommendation 18 of the Royal Commission:  
The Country Fire Authority and the Department of Sustainability and Environment amend their procedures to require that a suitably experienced, qualified and competent person be appointed as Incident Controller, regardless of the control agency for the fire.

While other Royal Commission Recommendations also cover incident management, local knowledge seems to have been displaced by Incident Management Teams with little or no knowledge of the history of fire behaviour in the local area or indeed the area itself.

## “Conclusion

“These are serious issues and show a disregard for prevention and mitigation, exposing the Mallacoota Township and its community to unacceptable risk. The consequence has been serious with a loss of life and upheaval in the town and surrounds that will persist for decades if not centuries. Response to the disaster required national intervention and the inquiries have not adequately addressed the fundamental problems that led to this unacceptable situation. I request that you conduct a Coronial Inquiry into this issue, please.”

## Request to Coroner

Unfathomable to me, my request, along with those of others to the coroner, was refused, with the earlier mentioned references to the above as basically the reasons behind that refusal. Extracts from the refusal:

18. *Section 7 of the Act requires coroners to avoid unnecessary duplication of inquiries and investigations by liaising with other investigative authorities, official bodies, or statutory officers and expedites the investigation of deaths and fires.*<sup>9</sup>
19. *Given the scale and extremity of the fires experienced in 2019-2020, several inquiries have considered prevention, preparedness, response, and management of the fires across Victoria and Australia. In accordance with this obligation, I have considered these inquiries in forming my view whether to investigate the fire in the Mallacoota area. In particular, I have considered:*
  - a) *Inspector-General for Emergency Management Review of 10 years of reform in Victoria's emergency management sector;*
  - b) *Royal Commission into Natural Disaster Arrangements (Commonwealth);*
  - c) *Inspector General for Emergency Management Inquiry into the 2019-2020 Victorian fire season; and*
  - d) *Victorian Auditor-General's report on Reducing Bushfire Risk*

Regrettably, nothing has changed and Mallacoota is returning to its former vulnerability, principally due to the agencies with fuel hazard reduction responsibilities continuing to shirk those responsibilities, and evacuation still dominates in Victoria.

## Boots on the ground

### **aerial suppression can assist, but it takes boots on the ground to seize and hold ground**

The forced or encouraged evacuation of people from their homes or businesses in the event of bushfire nearby needs to be seriously questioned, as it inevitably leads to property loss that could otherwise be avoided. And possibly loss of life as some wait for fire to be in close proximity before leaving and consequently get caught in the open.

Could this potential for loss be mitigated? Yes, it could by accepting that many people who would otherwise abandon their properties could assist fire suppression forces. How, by educating the community that with proper precautions many now leaving could remain and deal with ember attack, the main cause of property loss — there are numerous examples of tree canopies and shrubs not burning, while wind sweeps embers along beneath them, just a matter of watching news footage of the aftermath of fires to observe this.

What does this supplementing the sometimes-limited number of agency firefighters require? It needs a change of focus by the firefighting agencies, some of whom are stating that volunteer firefighter numbers are declining, to bring the community on board with honest interaction about the survivability of bushfire, particularly in urban environments.

Unfortunately, driving resident out and the consequent loss to fire also pushes up insurance premiums and, in some cases, people no longer can afford to insure.

But this would require the industry peak representative body, AFAC, to provide leadership, which it has failed to do in recent times: AFAC is a lobbying body for the fire and rescue services and the firefighting aircraft providers.

Time to change the paradigm and involve people generally in bushfire management, which includes response activities to protect their towns, etc. But this will be difficult while emergency management in Australia, for that matter internationally, is dominated by responders that usually fall short in extreme bushfire situations when most needed.

Prevention and suppression together are important to mitigating the bushfire threat and acknowledging that the so-called "cultural burning" does not reduce the fuel hazard in the "back country", the situation at Mallacoota when an all-consuming fire stormed out of a virtually unmanaged National Park.

## **Conclusion**

Australians should be greatly concerned that some of the states fail to effectively meet their bushfire management responsibilities, expecting to be bailed out by Defence.

I submit that emergency management arrangements, currently the responsibilities of the states, should be viewed as a national defence matter requiring full community participation in homeland defence and the states pulled into line to effectively meet their emergency management responsibilities, thus reducing loss and disruption and allowing Defence to address the defence of Australia with minimal distraction.

If legislative change is required to give the Australian government primacy over emergency management arrangements, then that should be pursued with vigor and as a matter of urgency.