MINISTERIAL STATEMENT

APPRECIATING THE RISK - REPORT OF THE SPECIAL INQUIRY INTO THE NOVEMBER 2011 MARGARET RIVER BUSHFIRE

Mr. Speaker, I table a report: Appreciating the Risk – The Report of the Special Inquiry Into the November 2011 Margaret River Bushfire. The Government directed the Public Sector Commissioner to arrange the holding of a special inquiry early in December 2011 and this was undertaken by Mr. Mick Keelty AO APM. I acknowledge the diligence and urgency with which Mr. Keelty undertook his task, and thank him for his timely and comprehensive Report. I also thank the many people who assisted him in his role, including the witnesses who appeared before him and the Shire of Augusta Margaret River.

Background

As all Western Australians have become acutely aware over the past several years, bushfire is a significant and constant risk to lives and property. In the past three years we have endured major fires at Toodyay, Lake Clifton, Roleystone, Margaret River, Nannup, the Gascoyne region and, as I speak, Babbington/Northcliffe. Other fires have resulted in death and injury at Toodyay and in the Kimberley.

From afar we have also witnessed the massive loss of life and devastation of the 2009 Victorian bushfires.

In August of last year I tabled Mr. Keelty’s Report into the Perth Hills bushfire. That Report highlighted many concerns about the fire risks on Perth’s doorstep. These very same risks exist in many other areas of the State, and particularly the coastal strip north and south of Margaret River.

The recommendations of that first Report were all accepted in principle by the Government. As at today 27 of that Report’s 55 recommendations have been implemented or substantively completed. This has been achieved with an unprecedented collaboration between Government agencies, all
emergency volunteer associations and the WA Local Government Association. Legislation will be before this Parliament soon to establish the Fire and Emergency Services Authority as a Department of Government and to create the position of Fire and Emergency Services Commissioner. The outstanding recommendations are receiving concerted attention and the majority will be implemented before the next fire season.

The Margaret River Fire

The bush fire that devastated swathes of Margaret River’s iconic coastline over several days late last November stunned and dismayed Western Australians. These feelings were intensified by the knowledge that the fire arose from a prescribed burn being undertaken by the Department of Environment and Conservation, a burn that was planned and implemented with the intention of protecting the very communities that fell under the path of the bushfire.

While no lives were lost, the fire presented serious risk to human life. More than 3,400 hectares of coastal heath land and bush was burned, and thirty two houses (including historic Wallcliffe House), nine chalets and four outbuildings were destroyed. Partial damage was also sustained by sixteen houses, one shop and four sheds.

The fact that the Margaret River fire resulted from the actions of a Government agency is a key reason why the Government decided that an independent inquiry was necessary to establish how the burn escaped. Mr. Keelty’s terms of reference were designed not to review the prescribed burning policy but to focus his attention on the specific factors relevant to the prescribed burn from which the bush fire began.

The specific terms of reference for the Inquiry are attached to my formal Statement.
These terms of reference do not include matters related to the response by emergency agencies to the Margaret River bushfire. A separate review of this element will be conducted in accordance with standard practice, involving all relevant response agencies and the Shire of Augusta Margaret River. It will also be considered by the State Emergency Management Committee, chaired by the Commissioner of Police.

*Appreciating the Risk- Special Inquiry Report*

In considering and responding to the Report, the Government’s primary consideration has been community safety. Prescribed burns are undertaken to protect communities from bush fire, and any community is entitled to expect that its safety will be the paramount consideration in the planning for and conducting of prescribed burns.

There have been some calls to cease the State’s prescribed burning program in response to the Margaret River fire. This will not occur, and Mr. Keelty’s report provides no basis to do so.

It is important to recognise that Western Australia’s prescribed burning program is supported by more than 50 years of science, research and experience, and that Western Australia’s knowledge and accomplishments with respect to fuel reduction burning are nationally recognised.

However, as Mr. Keelty has pointed out in his Report, complexity and risk surrounds prescribed burning, and these burns can never be risk free. Those in the rural urban landscape, he says, are the most difficult and complex of all.

The report confirms the detailed process of planning that DEC undertakes in performing prescribed burns and the many and varying factors that must be assessed.
Notwithstanding this, this planning has been shown to have been inadequate in relation to this fire. Mr. Keelty has identified serious shortcomings in DEC’s planning and implementation of its prescribed burns, and this burn in particular.

The Report does not reveal or highlight a particular cause of the fire. Rather, it has unearthed a series of omissions and mistakes that, in combination, have resulted in inadequate identification of risks and inadequate and unacceptable management of those risks.

Mr. Keelty has made many findings and provided the Government with ten recommendations. The Government accepts his Report without reservation and will implement all of its recommendations.

It was never disputed by the Government or by DEC that this bushfire arose after fire escaped from a prescribed burn being undertaken by DEC. DEC and the Government accept full responsibility for the mistakes and errors that were made. As Premier I apologise to all of those people whose homes or property were lost or damaged by the fire.

Mr. Keelty himself points out that it is not possible to completely eliminate risk from prescribed burning. However it is the Government’s view that it is too great a risk to the community to not undertake prescribed burns at all. Ironically the Margaret River fire itself was slowed and stopped in part upon reaching areas of prior prescribed burns.

Prescribed burning to reduce fuel loads is the single most important weapon in the community’s arsenal in preventing devastating bushfires. This conclusion was also unambiguously reached and stated by the Victorian Bushfire Royal Commission. The Commission stated:

*Prescribed burning is one of the main tools for fire management on public land. It cannot prevent bushfire, but it decreases fuel loads and so reduces the spread and intensity of bushfires.* By
reducing the spread and intensity of bushfires, it also helps protect flora and fauna. Ironically, maintaining pristine forests untouched by fuel reduction can predispose those forests to greater destruction in the event of a bushfire.

The Royal Commission also stated:

The Commission recognises that the long-term commitment to prescribed burning in Western Australia has reduced the risks of bushfires and supported development of internal research skills and materials for implementing burning.

The case for prescribed burning is clear. I recognise, however, that this may provide little comfort to those who lost their houses as a result of a prescribed burn gone wrong.

There have been many accounts, particularly from residents of Prevelly and other affected areas, of the bravery and dedication of the fire fighters who fought the fire in dire conditions and at great risk. While many properties were destroyed, more were saved. We owe a debt to our firefighters, in particular those who do this as volunteers, and we owe it to them in particular to learn all lessons we can from this event in order to reduce the potential that it be repeated.

Mr. Keelty’s Report is pointedly titled Appreciating the Risks. Meaning all of the risks:

- the risks of lighting up a specific prescribed burn

- the risks of a Victoria type disaster if we do not undertake fuel reduction burns strategically or comprehensively enough
• the risks of allowing residential developments in proximity to forest and bush land.

The immediate imperative is to identify, manage and minimise the risks of prescribed burns while being mindful of the more serious risks given rise to if such burns are not undertaken at all. Mr. Keelty’s report confirms that much needs to be done to better manage and balance these risks.

Any fire is dangerous, and those undertaking prescribed burns place themselves at great risk. These burns are not undertaken lightly. It is hard and dirty work. Those who perform this role on the community’s behalf are the same people who place their lives at risk in fighting fires all over the State. Even since November, DEC staff and bushfire volunteers who at other times manage prescribed burns have been fighting massive and dangerous fires in the Gascoyne Region and in the South West. It is important that we recognise and value the service provided to us, as has Mr. Keelty in his Report. At page 4 of his report Mr. Keelty states:

   no evidence ... gave rise to any concern that the staff of DEC were doing anything other than what they believed to be right. To ostracise or denigrate these people will simply amplify the losses felt by everyone and do little to make improvements for the future.

And later again he states:

   The challenge is to understand that we want, and need, experienced and able people to become involved in protecting the community. Our reactions to their decisions will determine the quality of people who are willing to undertake these important roles, and how long they remain committed to those roles.

Without downplaying the significance of the failings that Mr. Keelty has identified, it is important that we recognize his point about those who do this work on our behalf.
Over 580 individual DEC staff members participated in the protracted suppression response to the Margaret River and Nannup fires from 23 November through to the latter half of December 2011. Many of these employees also participated in the suppression of the complex of lightning caused fires that burned in the Gascoyne region from 27 December 2011 through to early February 2012. This was the longest running and largest area bushfire suppression campaign that DEC (and its predecessor agencies) has been involved in for over 50 years. This suppression effort involved long and exhausting shifts in extreme heat and humidity, with the remoteness of the fire ground from accommodation, supplies and the incident control centre contributing to the complexity and the toll on those involved.

While it is not for politicians to determine issues relating to breaches of discipline or misconduct within public sector agencies, I understand that Mr. Keelty did not consider from the evidence available that there had been any breaches of discipline or misconduct. However, serious mistakes were made, such as the lack of monitoring of the Ellenbrook burn, particularly overnight on 22 November, and the decision to commence another prescribed burn nearby at Prevelly despite the challenges being faced with the Ellenbrook burn. DEC and the Government now assume an important responsibility to fundamentally review relevant systems and procedures to minimise the potential for such mistakes.

Mr. Keelty’s Report calls for an urgent review of DEC’s risk management practices, and calls for a broader consideration of the risks of undertaking a prescribed burn, including:

- The risk that, as occurred on 23 November, wind speeds are stronger than predicted;
- the risk to property beyond the immediate vicinity of the prescribed burn;
- the potential risk to the local economy should a fire break its containment lines.
The governance processes for relevant DEC policies and operational guidelines are criticized as lacking sufficient clarity. Better human resource management is urged to ensure suitably skilled staff are trained and retained, and there is better deployment of skills (including volunteers). Better use must be made of information technology.

The Government’s Response

The Government will take immediate and strong measures arising from Mr. Keelty’s Report. It accepts all of the Report’s recommendations and implementation of them will start immediately. I have asked the Chair of the State Emergency Management Committee, Police Commissioner Karl O’Callaghan, to have his Committee oversee and receive reports on the implementation by DEC of the recommendations.

In accepting Mr. Keelty’s recommendations the Government restates and reaffirms its policy in support of prescribed burning as an essential program to protect the community from bushfires.

A wide range of actions extending beyond Mr. Keelty’s specific recommendations will also be taken by the Government.

1. DEC will suspend further prescribed burns within five kilometres of townsites and rural subdivisions until it has reviewed its prescribed burning processes and brought them into compliance with the latest International Organisation for Standardisation (ISO) standard. The Minister for Environment will determine when prescribed burns in these locations can resume.

2. Any Level 3 bushfire, being a complex fire in which life and property are at risk, will automatically fall under the overall control of the Fire and Emergency Services Commissioner. This will not necessarily mean that FESA will assume the Incident Controller role, but the
Commissioner’s authority to direct the response is reinforced.

3. New fire districts will be gazetted before next Summer for the following areas (as shown in a map accompanying this formal Statement):

- the area bounded broadly from Busselton to Vasse to Smiths Beach;
- the area bounded broadly from Redgate to Witchcliffe to Cowaramup to Gracetown; and
- Augusta and a strip adjoining the Bussell Highway north to Karridale.

4. The Bunbury Gazetted Fire District will also be expanded this year to include the Eaton area and other urban areas such as parts of Australind currently lying outside its boundaries.

These gazettals mean that FESA (either through a career Fire and Rescue Service station or a volunteer Fire and Rescue Service Brigade) becomes the hazard management authority within the boundaries of the gazetted district and will have direct responsibility for primary response. Additional fire and rescue capability will result, but additional responsibilities will fall to residents in terms of increases in the Emergency Service Levy for these areas. These increases will commence in the financial year following the implementation date of the relevant fire district.

This enhanced FESA presence and its associated rescue capacity is a timely and necessary response to population growth and the substantial increase in traffic in the Busselton to Augusta area and the associated risk of accidents.

These expanded fire districts will require the allocation of additional fire and emergency resources and the possible construction of additional career fire stations, but all changes will be done in close collaboration with volunteer brigades and local government. The additional FESA presence complements and does not replace existing volunteer fire units.
5. Within 3 years the new gazetted areas will be subsumed within a single gazetted fire district along a coastal strip from Bunbury to Augusta. An indicative map of the area proposed is attached to my formal Statement.

6. Before the next Summer Perth metropolitan fire districts will be extended to accommodate metropolitan suburban expansion in areas such as Yanchep, Alkimos, Byford and Banjup.

7. A South West bushfire risk zone will be declared, within which a new Office of Bushfire Risk Management, attached to FESA, will oversee and authorise all prescribed burns. This zone lies in rough terms to the west of a line from Lancelin to Toodyay to Boyup Brook to Denmark, and is shown in a further map attached to my Statement. All prescribed burns conducted within this zone (and some conducted outside this zone that meet high risk criteria) will, in addition to the risk identification and mitigation procedures applied by DEC, be subject to additional and independent validation by the new Office and will require its authorisation before ignition of the burn.

The Office has the authority to direct, subject to specific criteria, that any prescribed burn not occur or be delayed if risks are seen as too great or not properly catered for. Its considerations will include the capacity and timeframe to deploy fire fighting resources should something go wrong with a prescribed burn.

This Office will be headed by a Director who will report directly to the Fire and Emergency Services Commissioner. It will not form part of the career fire fighting structure, but be a separate office of FESA with specific expertise in and a focus on bushfires.

8. Main Roads WA will immediately initiate discussions with the relevant local authorities and communities to identify options and assess their feasibility for improved access into Prevelly, Yallingup and Gracetown, and in the College Grove area, with the objective of affording reasonable avenues of evacuation in any future bushfire. The events of November highlighted the limited opportunities for escape in a number of settlements.
9. A financial assistance scheme will be developed along the lines of that applied to those directly affected by the Toodyay fire of 2010. The scheme will entitle property owners whose houses, outbuildings or property were destroyed or damaged in the fire to up to $190,000 for any uninsured losses, net of any assistance they have received under the Lord Mayor’s Disaster Relief Fund to which the Government donated $500,000. The scheme will be administered by Riskcover. Full details of the scheme, including criteria for entitlement, will be finalised and announced within the next several days. This measure is expected to cost the Government up to $5 million.

The receipt of assistance under the scheme will not preclude individuals from taking legal action if that is their intention.

Conclusion

In conclusion, Mr. Speaker, Mr. Keelty has undertaken a forensic and detailed examination of the circumstances leading up to the November bushfire. He has identified serious shortcomings and errors in the planning and conduct of the prescribed burn from which the fire emanated, and he has also identified serious concerns about the governance and risk management procedures applied by DEC more generally.

Mr. Keelty will address a community meeting in Margaret River tonight regarding his findings and recommendations.

The Report details a series of errors, for which no single person or group of persons is to blame. However, the systemic failings Mr. Keelty has brought to our attention are unacceptable and will be rectified with urgency.

The Government fully accepts responsibility for the fire. This responsibility will now be reflected in, and discharged by, the implementation of all recommendations in the Report, together with a wide range of additional measures I have outlined today.

On the Government’s behalf I again apologise to those who lost homes and
possessions and who suffered trauma during the fire. I also again convey the Government’s deep respect for and appreciation of the efforts of the firefighters who showed such courage and resolve in fighting the fire.
SPECIAL INQUIRY INTO THE NOVEMBER 2011 MARGARET RIVER BUSHFIRE

TERMS OF REFERENCE

Examine and report on:

the causes of the November 2011 Margaret River Bushfire;
the basis for and circumstances leading up to DEC prescribed burn BS520 within the Leeuwin-Naturaliste National Park;
the extent to which this prescribed burn was consistent with departmental policy and standard operating procedures.

Determine whether critical decisions regarding the prescribed burn, and its management, had sufficient regard for relevant risks, particularly the forecast weather conditions over the period of the burn.

Based on such examination, make such recommendations as considered necessary for the prudent management of future prescribed burns.
South West Bushfire Risk Zone