

The background of the page is a photograph of a tree trunk, showing its rough, textured bark. A semi-transparent blue overlay covers the entire image. A horizontal band across the middle of the page features a pattern of fine, parallel white diagonal lines. The title 'DELIBERATELY LIT BUSHFIRES' is centered within this band in white, uppercase, sans-serif font.

DELIBERATELY LIT BUSHFIRES

5

5 DELIBERATELY LIT BUSHFIRES

The cause of four of the fires the Commission investigated was determined to be ‘suspicious’.¹ Although it is not appropriate to comment on matters that are subject to continuing police investigation, the Commission does acknowledge the potentially devastating impact of all fires, including deliberately lit fires.

Deliberate fire-setters constitute only a small proportion of the population, yet their actions can cause enormous damage to individuals, communities and the environment. The Commission considered what is known about deliberate fire-setting and arson as well as current and proposed measures aimed at reducing the risk of deliberately lit fires. The evidence before the Commission suggests that there is a great deal of preventive activity under way at the local, state and national levels. There remains, however, considerable scope for improving the evidence base associated with deliberate fire-setting and arson in order to facilitate policy and program development.

5.1 DEFINING AND RECORDING DELIBERATE FIRE-SETTING

In its legal sense ‘arson’ refers to an indictable offence that involves deliberate fire-setting resulting in criminal damage to property—which might be a structure, a house, a vehicle or vegetation—and having the requisite intention to cause damage or having no regard for the damage that might result. Sometimes the term ‘arson’ is used loosely to refer to any deliberate, or even negligent, fire-setting, describing a wide range of behaviours that might not meet the legal definition of the crime of arson. The preferred clinical descriptor for this behaviour is ‘deliberate fire-setting’ because this term does not imply ‘motive, criminal responsibility or pathology’.²

Fire agencies and police services differ in the way they treat and categorise deliberately lit fires. Additionally, there is no nationally consistent approach to the recording of statistics on arson. Some jurisdictions adopt a broad definition, deeming all suspicious fires to be arson; others might limit the term to those fires for which there is a *prima facie*, or even a proven, case of arson. Traditionally, bushfire prevention campaigns in Australia have been ‘concerned more with protecting against a fire than with preventing fires from starting’. Because of the difficulties inherent in investigating and prosecuting arson offences, the rate of conviction is extremely low compared with the rates for some other serious offences. As a result, many people who deliberately light fires are not identified or dealt with by the criminal justice system.³

The Commission heard evidence about opportunities for dealing with arson and deliberate fire-setting through crime prevention techniques directed at people and places at greater risk of deliberate fire-setting. Dr Damon Muller, criminologist and post-doctoral fellow with the Australian Research Council Centre of Excellence in Policing and Security at the Australian National University, noted:

A lot of the discussion around the issue ignores the fact that most of the people who light fires won’t end up in the criminal justice system. So focusing on community crime prevention isn’t a soft option. In a lot of cases it is the only sensible other way of accessing this population of offenders that are not caught.⁴

5.2 THE EXTENT AND NATURE OF THE PROBLEM

The extent of deliberately lit bushfires and arson and the causes of these behaviours are not well understood: as noted, there is no uniform national approach to data collection, and little research specifically into bushfire-setting, especially in the Australian context, has been done. Further, most of the research in this area pertains to arson or deliberate fire-setting generally, without distinguishing between structural fires—for example, deliberately lit fires that damage houses, vehicles and buildings—and bushfires.⁵

Using the available data, the Australian Institute of Criminology recently analysed about 280,000 vegetation fires recorded by Australian fire agencies. It found that the most common reasons for bushfires in Australia are suspicious (37 per cent), accidental (35 per cent) and deliberately or maliciously lit (13 per cent) causes, followed by natural causes (6 per cent), re-ignition or spot fire (5 per cent) and other causes (4 per cent). The institute also analysed vegetation fires recorded by fire agencies in each state and territory. In the case of Victoria, data collected from the Metropolitan Fire and Emergency Services Board, the Country Fire Authority and the Department of Sustainability

and Environment show that between 23 and 33 per cent of fires in the state are recorded as being deliberately lit. This means that about one-third of bushfires in Victoria could possibly be lit by people acting with mischievous or criminal intent.⁶

The lack of reliable and comparable data constitutes a serious impediment to research and evaluation efforts that would assist in determining what works in the prevention of deliberate fire-setting and arson and facilitating policy and program development. The Commission notes there is strong support for a nationally consistent approach to terminology, data collection and information-sharing measures to assist future research and the development of evidence-based prevention measures; it urges the relevant jurisdictions and interested parties to promptly work together to resolve the remaining impediments.⁷

5.2.1 HOT SPOTS AND PEAK TIMES

Bushfires occur more frequently in areas close to human habitation. The rural–urban interface—‘where human habitation sits alongside areas of vegetation’—is an area at particularly high risk of bushfires caused by humans, including fires that are deliberately lit. Dr Muller noted that this might be simply because these areas, where the urban area is expanding into the bush, contain a relatively high proportion of both people and burnable vegetation.

Fires are more often deliberately lit on weekends than they are on weekdays. On weekends deliberate fire-setting is more likely to occur between 1.00 pm and 4.00 pm, but on weekdays the number of deliberate lightings peaks in the late afternoon and remains high during the night. This highlights links between patterns of fire-setting and the nature of human behaviour. For example, the weekday pattern may be associated with the fact that children often commute unsupervised during the afternoon.

Although there is some anecdotal evidence that the publicity surrounding days of high fire danger might perversely excite or motivate arsonists, there are no empirical data to support this contention. Dr Muller noted that a fire started on a day of high fire danger has a greater chance of catching and spreading, so fires deliberately lit at such a time can do more damage and attract great attention after the event.⁸

5.2.2 WHO DELIBERATELY LIGHTS FIRES?

Background, personality and indicators

It is difficult to compile a profile of a typical deliberate fire-setter or arsonist. There is no single typology, profile or mindset of a fire-setter, and it has been suggested that ‘it is likely that there is actually no such thing as a typical arsonist, as arson is a complex and multifaceted behaviour’. Studies overwhelmingly show that arson offenders have features similar to those of many other types of offenders.⁹

In addition, the profiling work done on arsonists so far has limitations because it has tended to focus on arson generally and has not been specific to bushfire. The sample group is also necessarily skewed, since studies generally rely on people who have been charged or sentenced for arson or people who come to the attention of the mental health system either voluntarily or as forensic clients.¹⁰

Nevertheless, the existing research does help with developing a picture of the people who could be more likely to deliberately light fires, and this might help with developing and refining preventive strategies and community education programs. For example, a recent New South Wales study of bushfire arson found that the ‘average’ offender was male and had an average age of 26.6 years, although 31 per cent were aged less than 18 at the time of the offence. Despite there being no typical profile of a deliberate fire-setter, there is some evidence that particular features are more commonly seen among fire-setters than among other offenders. Most international studies have found that fire-setters tend to be young men with interpersonal difficulties, drug or alcohol dependence, evidence of an unstable childhood, and some form of mental health problem. Among other typical characteristics were being racially ‘white’, low socio-economic status, a poor academic and employment record, and an extensive criminal history, with many crimes that were not identified or prosecuted. As noted, however, these characteristics are similar to those applying to many other offenders, and predictors for arson offenders re-offending tend to be similar to those for other offenders. As a result, these factors offer only limited predictive assistance.¹¹

Some figures show that up to 50 per cent of malicious fires and 20 per cent of deliberately lit bushfires are lit by children. In juveniles, the risk factors are largely similar to those seen in adults, and fire-setting is often part of a broad array of antisocial behaviours.¹²

Mental illness

Study results suggest that a disproportionate number of fire-setters have a mental illness or disorder, the most common of these being schizophrenia and alcohol and drug abuse. Personality disorders and depression have also been associated with fire-setting. Care must, however, be taken when relying on statistics in this area: the studies draw from samples of 'convenience', such as people referred to mental health services.¹³

Contrary to popular perception, arsonists who are compulsive offenders, including those with the condition of pyromania, constitute a small and reasonably rare group, and these people are not responsible for the majority of deliberately lit fires.¹⁴

Criminal history

A criminal history, including previous convictions for arson, is one of the strongest predictors for people who deliberately light fires or commit arson. Research shows that most arsonists are not exclusively arsonists and that a general history of offending is a reliable indicator of a predilection for deliberately lighting fires. Professor James Ogloff, Foundation Professor of Clinical Forensic Psychology and Director of the Centre for Forensic Behavioural Science at Monash University and Director of Psychological Services for the Victorian Institute of Forensic Mental Health (Forensicare), noted, 'very few offenders are particularly narrowly interested, so they are what we call criminally versatile'. Further, Dr Muller noted that many arsonists 'have a diverse offending background' and 'it is likely that many fire-setters are general offenders who happen to light fires, rather than dedicated arsonists'.¹⁵

These statements are supported by recent Australian Institute of Criminology research on arson defendants in New South Wales, which examined the offending history of fire-setters in the seven years before their court appearance for arson or bushfire arson. The study found that slightly more than half of all arson defendants and one-third of bushfire arson defendants had a prior conviction.¹⁶

Motives

The motives for bushfire arson can differ from the motives for typical 'structural' arson. Mr Matthew Willis, Research Analyst from the Australian Institute of Criminology, has proposed the following typology to describe the diverse motives for lighting bushfires:

- to relieve boredom or create excitement—motives include vandalism, stimulation and inciting activity (for example, by firefighters)
- for recognition and attention—prompted by a desire to be seen as a hero or to improve self-esteem, or it might constitute a cry for help
- for a specific purpose or gain—prompted by anger (to secure revenge or as an expression of protest), a pragmatic purpose (for example, land management), material gain or an altruistic motive
- no motive—fires lit without malicious intent by, for example, a child (this would also include a small group who act on psychiatric impulses derived from mental disability)
- mixed motives—fires lit on the basis of a number of the foregoing motives or lit with malicious intent but not expected or predicted to spread.¹⁷

The motives underlying the deliberate lighting of fires are likely to be diverse, even for a single offender. For example, an offender might be motivated by a combination of revenge, excitement and pathology.¹⁸

5.2.3 FIREFIGHTERS

Deliberate fire-setting by firefighters is relatively uncommon, and ‘the overwhelming majority of firefighters do not have fire setting propensities’. As Professor Ogloff noted, however, with any instance of firefighter arson ‘the effect on the community perception of and trust in emergency response personnel can be significant’ and the impact on the morale of other firefighters can be devastating.¹⁹

In New South Wales Strike Force Tronto investigated 1,600 suspicious fires, and 11 volunteers from the New South Wales Rural Fire Service were charged as a result. This is less than 0.02 per cent of the 69,000-odd other volunteers in the Rural Fire Service who apparently did not offend. Firefighters made up a significant proportion of the people charged as a consequence of the strike force investigation (11 out of 50). The situation highlights the need for the development of effective screening of prospective firefighters.

Research suggests that fire-setting firefighters could be a distinct group of offenders because they tend to be higher functioning and of greater intelligence than other offenders. Among their motives are relieving boredom and stimulating activity, material gain (such as overtime payments) and achieving hero status in the eyes of the community or their colleagues.

Professor Ogloff cited several ‘red flags’ that could help with identifying firefighters who are attracted to deliberate fire-setting. For example, a firefighter who is an arsonist might seem to always be the first at the scene of a fire, even when they have not been called to the job; they might seem to have an uncanny ability to locate a fire’s point of origin; or they might locate and report fires that are not easily visible.

As with the general population, the most useful predictor of a potential arsonist is a history of criminal offending. In Victoria all potential MFB and CFA employees and CFA volunteers undergo a criminal history check at the time of their application. DSE intends to introduce this requirement for all firefighting staff from 1 July 2010.

Each of the fire agencies uses some form of screening or psychological testing appropriate to the role of the prospective applicant. Such measures can be useful in identifying a range of potential psychological and behavioural variables relevant to the position, and among these might be a propensity for fire-setting. The State of Victoria submitted that the MFB and the CFA are continuing to review their screening processes and will participate in future work by AFAC (the Australasian Fire and Emergency Service Authorities Council) to develop a national position on screening processes.²⁰

The Commission considers that criminal history checking of all firefighters is a reasonable way of screening for potential arsonists. It supports Victoria’s policy of requiring criminal history checks for all applicants for firefighting-related roles and encourages the continued review of screening processes.

5.3 APPLYING CRIME PREVENTION TECHNIQUES TO DELIBERATELY LIT BUSHFIRES

The literature suggests that a range of interventions are available to reduce deliberate bushfire-setting and arson. As Box 5.1 shows, these include broad strategies for preventing the behaviour before it happens (primary prevention), specific programs aimed at people who are at risk of offending (secondary prevention) and interventions that focus on reducing re-offending once someone has come to the attention of the criminal justice system (tertiary prevention).

Box 5.1 Crime prevention techniques

Primary crime prevention

Primary crime prevention—sometimes referred to as ‘situational crime prevention’ or ‘crime prevention through environmental design’—aims to prevent crime before it happens. Strategies are aimed at the environment or the community in which the crime might occur and can include the following:

- *Surveillance.* By maximising the visibility of monitoring devices and other people in an area, the behaviour of individuals can be observed and monitored. Examples are increasing the perceived risk of detection by installing surveillance cameras or increasing the visible police presence at hot spots.
- *Territorial reinforcement.* A sense of community ownership of an area tends to increase people’s feelings of safety and willingness to use the area. This in turn discourages crime.
- *Access control.* Physical or symbolic barriers help to make clear the divisions between private and public land. An example is limiting or controlling access to arson hot spots or closing areas such as national parks on days of very high bushfire risk (see Chapter 1).

This approach increases the effort required to commit a crime (called ‘target hardening’) or reduces the rewards for the fire-setter. For example, reducing fuel loads or constructing more firebreaks might make arson less ‘rewarding’ because it might be more difficult to light a fire that is likely to cause substantial damage.

Secondary crime prevention

Secondary crime prevention focuses on individuals who are at higher risk of engaging in a crime. This includes intervention programs aimed at people who have displayed warning signs or problematic behaviour. Research suggests that a significant proportion of arsonists are recidivists, so techniques aimed at intervening with known offenders could reduce recidivism.

Tertiary crime prevention

Tertiary crime prevention focuses on preventing re-offending by individuals who come into contact with the criminal justice system, either by direct intervention or by deterrence through sentencing.

Arson is an indictable offence in all Australian states and territories, but the sentencing regime differs between jurisdictions. Typically, the maximum sentence is 15 years’ imprisonment, although life imprisonment is available in some jurisdictions. Most jurisdictions also have specific offences for deliberately lighting bushfires, with sentences of up to 15 to 20 years.²¹

Expert witnesses Dr Muller and Professor Ogloff agreed that prevention strategies—particularly primary prevention programs—are very important in dealing with deliberate fire-setting and arson. Dr Muller noted:

Preventing the fire before it actually occurs should be the preferred option where possible, avoiding the potential damage that the fire would have caused and freeing up the resources of the fire services for suppression of other fires. Prevention is neither incompatible with criminal justice sanctions for bushfire arson, nor a ‘soft option’ alternative to punishment, but rather another valuable tool to reduce deliberate bushfires in Australia.²²

This is consistent with other information available to the Commission. Primary crime prevention approaches focus on when and where fires are most likely to be deliberately lit, rather than on known offenders, and are therefore most likely to reach the widest possible audience. Such approaches can be supplemented with an understanding of the characteristics of someone who is more likely to deliberately light fires, but they do not rely on an arsonist ‘profile’ since this has been demonstrated to be fairly non-specific. Dr Muller stated:

Given that many arson offenders go undetected, and that it is difficult to prosecute those who are detected, primary prevention strategies whereby potential offenders are prevented from lighting fires by some characteristics of the environment seem to be the most promising. Secondary and tertiary prevention strategies, which target potential and repeat offenders, are effective only when the offenders are known.²³

Although primary prevention was the focus of the Commission's attention, other measures should not be ignored. The Commission heard some evidence about promising secondary and tertiary prevention measures. The following are examples:

- Some psycho-education programs have shown 'encouraging trends toward decreasing recidivism', and cognitive behavioural therapy (particularly that focusing on self-control, problem solving, coping skills and pro-social behaviour) has been shown to assist in reducing fire interest.
- All Australian jurisdictions operate treatment programs for juvenile fire-setters, targeting young people who are at risk of more serious offending. The programs generally seek to educate individuals about the dangers of fire and can provide links to other services to deal with a person's wider social and psychological problems. With the exception of the Victorian program—the Juvenile Fire Awareness and Intervention Program—these initiatives have not been evaluated. The evaluation of the Victorian program showed that it was somewhat successful in reducing arson re-offending but was limited by a short follow-up period. The Commission heard only limited evidence about these programs. It considers that further evaluation of such secondary prevention measures would be beneficial.
- Although the data on arson-related sentencing are limited, it appears that few of those charged with arson are found guilty and sentenced and, of those who are, the percentage receiving a custodial sentence or the maximum sentence is low. The Commonwealth informed the Commission that it is taking steps to develop a nationally consistent approach to arson offences through the National Work Plan to Reduce Bushfire Arson in Australia (see Section 5.5) and to promote awareness of sentencing as an aspect of crime prevention aimed at reducing deliberate fire-setting through the National Judicial College of Australia. The Commission did not turn its attention to tertiary prevention measures—sentencing is a broad and complex legal policy question beyond the scope of the Commission—but it welcomes these initiatives aimed at national consistency.²⁴

5.3.1 A MULTI-FACETED APPROACH

Overall, the evidence before the Commission suggests that prevention and reduction of deliberate fire-setting will be most effective when a multi-faceted approach is adopted. For example, Professor Ogloff recommended an approach involving situational principles, psycho-educational programs, criminal justice sanctions, and the involvement of police and emergency response personnel. Such an approach could combine community education, initiatives directed at known fire-setters, and target hardening. Examples of this type of approach are Operation Hussar in Victoria, Operation NOMAD in South Australia, and a joint program implemented in Western Australia.

Operation Hussar, conducted in 2007 by Victoria Police, the CFA, DSE and Parks Victoria, targeted resources in particular police service areas to patrol problem locations (which had been identified from crime statistics) in order to deter offending, gather intelligence and respond rapidly to fire events.

In Western Australia the Fire and Emergency Services Authority, in conjunction with the Department of Education and Training and Western Australia Police, implemented a program that provided education for school children, community education, and doorknocks encouraging the community to report suspicious behaviour in identified fire-prone areas. The outcome was a reduced incidence of deliberately lit fires and successful engagement and empowerment of a broad sector of the community, giving them a role in reducing arson.²⁵

Operation NOMAD is a high-profile, proactive approach adopted by South Australia Police. Its objectives are to prevent bushfires that are started deliberately or are caused by reckless or indifferent human activity; to improve the operational policing response to bushfires (through rapid responses to incidents and coordination with fire agencies); and to educate operational police. The approach has not been formally evaluated, but Chief Superintendent Silvio Amoroso,

Operations Commander for Operation NOMAD, told the Commission that community feedback has been positive and South Australia Police considers the number of scrub, vegetation and grass fires is decreasing. The following are central elements of Operation NOMAD:

- a high level of support at senior levels of South Australia Police
- activation of police patrols on days of extreme fire danger to prevent and respond to outbreaks of fire
- intelligence-based covert and overt surveillance in high-risk areas
- a high level of resourcing, including the capacity to 'back-fill' using resources from outside the local area
- comprehensive training that covers fire behaviour, personal safety, incident management for police during fires, traffic management, evacuation procedures and policy, bushfire investigation, bushfire laws and basic bushfire mapping
- a combination of central coordination, local planning and resource commitment and effective partnerships between law enforcement and the local community, whereby the community is made aware of dangers and asked to be vigilant.²⁶

Integrated approaches should also harness local knowledge and involve collaboration between police, fire agencies and the local community. Dr Muller highlighted the importance of tapping into local knowledge, noting that the 'local fire service personnel know the spots that are lit up and they know the times that they are most busy'. A local forum to facilitate the bringing together of such information might be a useful approach.²⁷

Dr Muller suggested a number of elements to consider when designing community-based arson reduction programs.²⁸ On the basis of these elements and evidence before the Commission about Operation Hussar, the Western Australian program and Operation NOMAD, the Commission concluded that the main components of a successful community-based program for dealing with deliberate fire-setting and arson are likely to be as follows:

- high-level commitment and direction
- an awareness of arson 'hot spots' in order to tailor interventions, reduce costs and potentially increase effectiveness
- use of intelligence to help guide prevention and detection activities
- high levels of cooperation with the community—including delivering a consistent message in a range of ways that is tailored to the particular audience
- a coordinated response between the fire service and the police
- comprehensive training
- adequate resourcing
- an evaluation framework.

5.4 THE VICTORIA POLICE APPROACH TO ARSON

Traditionally, Victoria Police's approach to arson has focused on criminal investigation and emergency management, rather than crime prevention. This appears to be changing, though. Detective Superintendent Paul Hollowood, Senior Investigative Officer for the Phoenix Task Force, within the Crime Department, acknowledged that it is necessary to understand arsonists and their behaviour and motivations if one is to develop improved prevention and control initiatives.²⁹

The Commission was advised that Victoria Police relies heavily on local initiatives to harness community expertise and knowledge, to enable operations to be tailored to local needs and to foster relationships between local police and emergency services agencies. Some centralised support is provided, particularly in the form of expert advice in identifying strategies, intelligence and risk analysis, and training provided in conjunction with the CFA.³⁰

Prevention and detection initiatives—such as the use of overt police patrols to deter arsonists, as well as intelligence gathering and target hardening—are in operation in all bushfire-prone police service areas. The Commission heard evidence about a number of local initiatives, among them Operation Matchless in the Macedon Ranges, proactive mobile patrols in the shires of Casey, Cardinia and Greater Dandenong, and Operation Hussar in the Yarra Ranges. Until recently, however, these local initiatives have not been part of a structured approach to arson prevention on the part of Victoria Police.³¹

Since 7 February 2009 Victoria Police appears to have greatly increased the attention it pays to arson prevention. It advised the Commission of the following initiatives:

- a statewide arson prevention and detection strategy, introduced in December 2009, to augment local approaches and strategies for controlling bushfire arson
- a statewide Operations Response Unit, which began operations in March 2010 with an initial staffing level of 140 personnel, to be increased to 229 by the end of August 2010. The unit is directed at crime, traffic and public order, rather than specifically focusing on arson but ‘will be available to be deployed during periods of extreme bushfire risk to increase visible police patrol activity at times of high fire risk and in high-risk locations to help deter and detect bushfire arson offending’.³²

The Commission was advised that Victoria Police’s arson prevention and detection strategy is an ongoing activity that will evolve with time and is based on five streams of activity:

- *Delivering a statewide coordinated approach.* This will be based on analysis of data on suspicious bushfires for each police service area (to aid deployment of additional resources and help local police direct high-visibility patrols), target hardening and other preventive measures; introduction of a live intranet site to monitor suspicious bushfires and identify serial offending; and identifying and creating profiles of ‘persons of interest’ and distributing these to regional police.
- *Local action informed by predictive risk assessment.* This will occur through the development of anti-bushfire strategies in all bushfire-prone areas, a focus on highly visible police patrols, identification of ‘people of interest’, improved protocols between Victoria Police and fire agencies, and an increased emphasis on targeted investigations.
- *Developing a better understanding of bushfire arson.* This will be done through collaborative research with three universities and other Victorian government agencies, including Forensicare. The focus of the research incorporates bushfire arsonist behaviour and motivation; independent evaluation of Victoria Police’s anti-bushfire arson strategies; assessment of the effectiveness of bushfire preparation efforts by individuals and the behaviour of bushfire victims; criminal profiling of suspected bushfire arsonists in order to develop more effective investigation and interview techniques; and monitoring and assessment of international developments.
- *Building effective cooperative partnerships.* This will come about through improved information sharing between agencies (including establishing a state Bushfire Arson Prevention Group), a new Crime Stoppers arson campaign, and an awareness campaign focusing on rural communities and volunteer firefighters.
- *Creating increased organisational capacity.* This will be done through the development of improved guidelines, training, and the availability of specialist resources for arson investigation.³³

Mr Hollowood advised the Commission that local arson control strategies for each high-risk police service area would incorporate the following:

- geospatial analysis and intelligence to help define bushfire arson hot spots—periods and locations
- increased visible police patrols to deter and detect bushfire arson activity—including additional deployment of police officers on days of high fire risk
- target hardening in high-risk areas by restricting vehicular and pedestrian traffic
- targeted police investigations of people suspected of bushfire arson or serial arson activity

- promotion of local community awareness about bushfire arson through the news media and education programs
- use of specialist resources such as helicopters to monitor areas that are inaccessible to police patrols
- use of 'Vehicle Observed in a Fire Area' stickers—to be affixed to vehicles found unattended in high-risk areas—to encourage the community to provide information about suspicious activity.³⁴

The Commission notes that since February 2009 Victoria Police has proposed, and begun to implement, changes to its approach to arson prevention. The statewide arson prevention and detection strategy entails many of the elements of good practice outlined in Section 5.3.1. The Commission welcomes the focus on research to determine best practice, as it does ongoing evaluation of current and proposed strategies. It also supports a consistent approach to arson control strategies in high-risk areas, with a suitable level of central coordination and a focus on dissemination of information about best-practice approaches.

The Commission notes the proposal to use the Operations Response Unit to provide additional resources for arson prevention patrols. It urges Victoria Police to evaluate this approach after the first fire season in which it operates in order to determine whether it provides sufficient support.

RECOMMENDATION 35

Victoria Police continue to pursue a coordinated statewide approach to arson prevention and regularly review its approach to ensure that it contains the following elements:

- high-level commitment from senior police
- a research program aimed at refining arson prevention and detection strategies
- centralised coordination that includes comprehensive training, periodic evaluation of arson prevention strategies and programs, and promotion of best-practice prevention approaches
- a requirement that all fire-prone police service areas have arson prevention plans and programs, according to their level of risk.

5.5 NATIONAL INITIATIVES

Since Black Saturday there has been much work done on developing a national approach to arson prevention. A national forum initiated by the Commonwealth Attorney-General in March 2009 brought together experts 'to look at examples of bushfire arson prevention initiatives from around the country, and identify national priorities for action'.³⁵ Among those who attended the forum were representatives of AFAC, the Bushfire Cooperative Research Centre, the Australian Institute of Criminology, the Commonwealth, and the states and territories.

On 20 November 2009 the Ministerial Council for Police and Emergency Management, which includes Commonwealth, state and territory police and emergency management ministers, adopted and endorsed a National Work Plan to Reduce Bushfire Arson in Australia. The work plan details 10 actions:

- developing a national strategy to reduce bushfire arson, to provide direction to individual jurisdictions and agencies
- using prevention and community education programs in high-risk fire and arson areas at the urban–rural interface
- promoting nationally consistent arson and bushfire offences
- producing a best-practice bushfire arson prevention manual
- developing programs aimed at known arsonists and recidivist arsonists
- updating nationally accredited training programs for fire agency and police personnel, to include strategies for preventing bushfire arson
- raising community awareness of bushfire arson and incorporating arson prevention messages in existing community awareness programs

- supporting a nationally consistent framework for collecting data on bushfire arson
- researching socio-economic and demographic factors suggestive of a propensity for bushfire arson
- promoting a two-way information flow on arson prevention between practitioners, researchers and policy makers.³⁶

The Commission was informed of progress in relation to several of these actions. A working group jointly chaired by the Commonwealth and Victoria was established to develop a national strategy based on the National Work Plan; the strategy is due to be completed in August 2010. On 3 May 2010, at the second annual national forum, the Commonwealth launched a bushfire arson prevention manual developed by the Australian Institute of Criminology. It also announced its intention to develop a bushfire arson investigation course, to be finalised and ready for delivery by June 2011, and a proposal to establish a national database of convicted and suspected arsonists. The Commission notes the Commonwealth's advice that the proposal to establish the national database is subject to further agreement from all jurisdictions.³⁷

The Commission welcomes this action and encourages the Commonwealth and the states and territories to ensure that the National Work Plan has a suitable focus on evaluating current and proposed programs for developing and sharing best-practice approaches. In particular, it encourages the development of a national approach to data collection that includes uniform terminology and classification schemes; the recording of specific information about deliberately lit bushfires (for example, their type and size and the extent of damage), their causes and location; conviction and sentencing outcomes where matters are pursued through the criminal justice system; and de-identified information about convicted arsonists (for example, gender, age, place of residence and criminal history) that could be used for evaluation and research rather than the tracking of individuals.

RECOMMENDATION 36

The Commonwealth, states and territories continue to pursue the National Action Plan to Reduce Bushfire Arson in Australia, giving priority to producing a nationally consistent framework for data collection and evaluating current and proposed programs in order to identify and share best-practice approaches.

5.6 EVALUATION

Witnesses before the Commission agreed that formal evaluation should be part of any crime prevention program in order to assist with gaining an understanding of what aspects of the program are successful. The State of Victoria and the Commonwealth also supported this. There has, however, been little evaluation of the success of crime prevention strategies for deliberate fire-setting and arson. Dr Muller thought this might be because programs are often initiated at the 'grass-roots' level and have limited resources and no funding for evaluation. Professor Ogloff also noted the importance of evaluating individual elements of crime prevention approaches to assess their effectiveness since overall programs can be labour and resource intensive.³⁸

Evaluation of crime prevention programs should be encouraged and funded. The Commission notes that Victoria intends to have its strategies and those of other jurisdictions independently evaluated. It also notes that the National Work Plan includes actions to improve data collection and the sharing of research and evaluation results nationally. It encourages the Commonwealth and the states and territories to make these actions a priority when implementing the National Work Plan.

- 1 Exhibit 214 – Statement of Hollowood (WIT.3010.001.0338) [26], [64]–[65], [69]; Exhibit 611 – Statement of Owen (WIT.3004.031.0173) [42], Annexure 15 (WIT.3004.031.0462) at 0467; Owen T13150:17–T13150:21
- 2 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0014; Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [15]; Ogloff T9051:3–T9051:29
- 3 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0015, 0018, Attachment 3 (WIT.077.001.0062) at 0068; Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [3]; Muller T9093:16–T9093:31, T9095:15–T9095:22; Ogloff T9085:14–T9085:31
- 4 Muller T9117:13–T9117:25
- 5 Ogloff T9050:21–T9051:2

- 6 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0015–0016; Exhibit 381 – Deliberately Lit Vegetation Fires in Australia (TEN.088.001.0001) at 0002
- 7 Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [3], [6], [11]; Submissions of the Commonwealth – Arson and Deliberately Lit Bushfires (RESP.6002.001.0001) [12]; Muller T9094:1–T9095:14; Amoroso T9137:20–T9137:24
- 8 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0020–0022; Exhibit 381 – Deliberately Lit Vegetation Fires in Australia (TEN.088.001.0001) at 0003–0004; Muller T9098:1–T9100:11; Ogloff T9069:28–T9070:29, T9081:12–T9082:7
- 9 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0025–0026; Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [36]; Muller T9102:3–T9102:29; Ogloff T9052:3–T9052:17
- 10 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0026; Muller T9104:2–T9104:14; Ogloff T9055:6–T9055:22
- 11 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [18], [27]–[29], [36]; Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0026, Attachment 5 (WIT.077.001.0078) at 0081; Ogloff T9052:17–T9052:29, T9055:6–T9056:5
- 12 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [35]; Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0025
- 13 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [21(c)]; Ogloff T9055:6–T9055:22
- 14 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [21(d)]; Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0029; Ogloff T9057:5–T9057:10
- 15 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0028–0029; Ogloff T9061:27–T9061:29, T9062:21–T9063:1
- 16 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0028 (see in particular Figure 8)
- 17 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [23]; Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0029, Attachment 3 (WIT.077.001.0062) at 0065; Ogloff T9058:29–T9060:14
- 18 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [20]
- 19 Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [70]; Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [66]
- 20 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [65], [67]–[69], [71]–[72]; Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [71]–[75], [80]–[88]; Ogloff T9077:10–T9078:27, T9079:15–T9080:2
- 21 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0031–0034, 0048, 0050; Ogloff T9067:21–T9068:7
- 22 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0056
- 23 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0035; Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [38]
- 24 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0049–0050; Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [55]–[56], [59]–[60]; Submissions of the Commonwealth – Arson and Deliberately Lit Bushfires (RESP.6002.001.0001) [4]–[5]; Ogloff T9074:10–T9074:19
- 25 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [47], [62]–[64], [79]; Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0041; Ogloff T9068:30–T9069:27
- 26 Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [48]; Exhibit 384 – Statement of Amoroso (WIT.087.001.0001_R) [8], [10], [12]–[14], [16], [21]–[25], [29]–[30], [32], [37]–[38]; Exhibit 384 – Nomad Type Fires are Decreasing in SA (WIT.087.002.0001); Amoroso T9122:14–T9122:18, T9125:2–T9125:8, T9126:9–T9127:20, T9127:25–T9128:2, T9130:25–T9131:25, T9132:1–T9132:26, T9134:8–T9134:15
- 27 Exhibit 384 – Statement of Amoroso (WIT.087.001.0001_R) [39]–[42]; Muller T9109:8–T9109:28, T9119:1–T9119:20
- 28 Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0034, 0041–0042
- 29 Exhibit 442 – Statement of Hollowood (WIT.3010.009.0279) [38]
- 30 Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [35]–[36], [38]–[40], [46]; Exhibit 442 – Statement of Hollowood (WIT.3010.009.0279) [16], [21]–[22], [28]–[31], [41]–[42]
- 31 Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [44], [50], [54]; Exhibit 442 – Statement of Hollowood (WIT.3010.009.0279) [23]–[24]; Hollowood T9998:14–T9999:19
- 32 Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [44], [59]; Exhibit 442 – Statement of Hollowood (WIT.3010.009.0279) [47]–[48], [50]; Hollowood T10001:24–T10001:25, T10008:31–T10009:4; Exhibit 964 – Arson Chapter of the Final Report – Updates (CORR.1005.0018) at 0021
- 33 Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [26]; Exhibit 715 – Letter from Victorian Government Solicitor's Office, Dated 24 December 2009 (CORR.1001.0033); Exhibit 715 – Victoria Police Bushfire Arson Prevention and Detection Strategy – Powerpoint (INF.028.001.0055)
- 34 Exhibit 442 – Statement of Hollowood (WIT.3010.009.0279) [49.7]
- 35 Exhibit 381 – Australian Government Attorney General's Department Report Titled 'National Forum to Reduce Deliberate Bushfires in Australia 25 March 2009' (TEN.088.001.0007) at 0009
- 36 Submissions of the Commonwealth – Arson and Deliberately Lit Bushfires (RESP.6002.001.0001) [3], [7]; Exhibit 559 – National Work Plan to Reduce Bushfire Arson in Australia (AGD.914.0001)
- 37 Submissions of the Commonwealth – Arson and Deliberately Lit Bushfires (RESP.6002.001.0001) [9]; Exhibit 964 – Update to Submissions of the Commonwealth – Arson and Deliberately Lit Bushfires (RESP.6012.001.0001) [3]–[8]; Exhibit 992 – Additional Response of the Commonwealth of Australia – Arson and Deliberately Lit Bushfires (CORR.1005.0175_R) [7], [12]; Exhibit 964 – Arson Chapter of the Final Report – Updates (CORR.1005.0018) at 0019, 0021
- 38 Submissions of the Commonwealth – Arson and Deliberately Lit Bushfires (RESP.6002.001.0001) [13]; Submissions of the State of Victoria – Arson and Deliberately Lit Bushfires (RESP.3001.008.0173) [41]; Exhibit 383 – Statement of Muller, Attachment 2 (WIT.077.001.0008) at 0042; Exhibit 442 – Statement of Hollowood (WIT.3010.009.0279) [39]; Exhibit 382 – Statement of Ogloff (WIT.106.001.0001_R) [47], [50], [60]; Ogloff T9072:4–T9072:19; Amoroso T9127:13–T9127:29; Muller T9096:22–T9096:31