



MONITORING IMPLEMENTATION

12

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In response to the unprecedented events of Black Saturday, the State, Commonwealth and local governments made changes to their policies and practices. Some of these changes were initiated by the governments and agencies of their own volition; others were implemented in response to the recommendations contained in the Commission's interim report.

The State accepted all 51 of the Commission's interim report recommendations as well as its proposals relating to the need to prepare implementation plans, monitor implementation and report on implementation. Throughout its submissions the State indicated acceptance in full or in principle of many more proposals for change. The Commission framed its recommendations taking into account the submissions of the State (and other parties) and proceeded on the basis that the State will respond to this final report, as it did to the interim report, with a high level of acceptance of the Commission's recommendations.

This final report makes further recommendations, and their implementation will require ongoing effort and focus by all levels of government. The Commission notes that the recommendations of previous government inquiries have not always been implemented. To ensure that effective implementation occurs, it is appropriate therefore that an independent monitor or the Victorian Auditor-General oversee the progress of implementing the Commission's recommendations. The Commission considers that effective implementation of its recommendations will help protect lives and make Victorian communities safer.

12.1 THE ROYAL COMMISSION

The magnitude and impact of the events of 7 February 2009 were such that an immediate response was demanded of, and responded to by government; this included establishment of the 2009 Victorian Bushfires Royal Commission. It was also essential that government and agencies learned, improved and prepared ahead of the 2009–10 fire season, rather than wait 18 months until the end of the Commission's work. In recognition of this, governments and agencies announced changes of policy and practice of their own creating as well as in response to matters that emerged during the Commission's inquiry. A summary of policy changes since 7 February 2009 is available at Appendix A in the electronic version of this volume.

From the outset, the Commission expected its work to be a catalyst for change. It encouraged government to respond quickly and progressively, without unnecessarily awaiting the outcome of the Commission's work. It welcomed the initiative the State showed in introducing a number of changes in response to the evidence that unfolded during the Commission's inquiry. It was desirable and necessary for the State to have taken such action when during the Commission's proceedings weaknesses had been identified and where the nature of what needed to be remedied was self-evident.

The government response at all levels was motivated by a number of factors, among them community expectations, the continued scrutiny by and of the Commission, and the work of the independent implementation monitor.

12.2 THE INTERIM REPORTS

12.2.1 IMPLEMENTATION

The interim report was delivered to the Lieutenant Governor of Victoria on the due date, 17 August 2009, and was followed by a second interim report on 24 November 2009. The response to both reports was very positive.

The Commission required the relevant parties to report on the implementation of its recommendations. Specifically, it required them to provide the following:

- an implementation plan by 30 September 2009, setting out the proposed response, allocated responsibilities and an implementation schedule
- a delivery report by 31 March 2010 on the progress made towards implementing each recommendation and, where appropriate, the outcomes and effectiveness of the response.¹

Implementation plans

On 30 September 2009 the State submitted an implementation plan to the Commission, confirming that it supported all of the recommendations in the interim report. The plan set out the State's proposed response, allocated responsibilities and outlined its schedule for implementing each recommendation.²

By 30 September 2009 the Municipal Association of Victoria and 77 local councils provided to the Commission their implementation plan accepting the recommendations of relevance to them.³

The Commonwealth also submitted a response, stating that it would work towards implementation of the five recommendations that related to its responsibilities or capabilities. It also would assist the Victorian Government in implementing the 12 recommendations that, although specific to Victoria, have particular relevance to the Commonwealth as a whole.⁴

Delivery reports

On 4 November 2009 the Premier, the Hon. John Brumby MP, announced the appointment of Mr Neil Comrie AO APM as the independent Bushfires Royal Commission Interim Report Implementation Monitor tasked with preparing the delivery report by 31 March 2010.⁵ Subsequently, the scope of the Implementation Monitor's responsibilities was expanded to include implementation of recommendations that related to the Municipal Association of Victoria.⁶

The Commission examined the extent and effect of the implementation activities in hearings in April 2010. As part of this, it heard evidence from Mr Comrie, whose approach to the delivery report was to gather data and conduct field inspections in order to audit and validate the outcomes of particular projects.⁷

The State's response to the Commission's recommendations entailed a large commitment of resources and considerable investment in infrastructure, technological improvements and wide-ranging amendments to policies and procedures.⁸ For example, the Victorian Government endorsed a 10-year Emergency Services Communications Strategy Framework to improve emergency services communications, with an emphasis on using technology that can be integrated across agencies. The State also developed the One Source One Message tool to enable all Incident Controllers to send bushfire warnings simultaneously to a range of outlets, including the Country Fire Authority and Department of Sustainability and Environment websites, Victorian Bushfire Information Line operators and media broadcasters.⁹

The Commission notes that, in contrast, local governments have made relatively slow progress towards implementation of the interim report recommendations. They have begun reviewing and amending their municipal emergency management plans and municipal fire prevention plans in relation to relocation. The Implementation Monitor noted in his report the incomplete implementation of these recommendations and urged 'all councils to complete this important work as soon as possible'.¹⁰ Local governments contributed in the early stages to the development of the CFA's 'neighbourhood safer places' guidelines and in many cases also to the process of designating the places' location in their communities.¹¹ This has been a challenging exercise for councils and the CFA.

The Implementation Monitor concluded in his report that, 'whilst work remains to be undertaken to complete some of the initiatives emanating from the Commission's interim recommendations, good progress has been made overall'. Although he noted 'a strong commitment by all relevant government agencies to positively address the Commission's recommendations', he did highlight areas of concern in relation to the implementation of recommendations relating to the fire danger rating, neighbourhood safer places and the state of preparedness of some incident control centres.¹²

The Commonwealth has made substantial progress in implementing the recommendations. Among the important developments are providing funding to the states and territories for the procurement of the national telephone-based warning system, Emergency Alert, which was officially launched on 4 December 2009, and incorporating fire danger indices in district and township forecasts issued by the Bureau of Meteorology.¹³

The Commonwealth also began implementing the recommendations in the Commission's second interim report dealing with building in bushfire-prone areas. In particular, it speedily progressed the development and adoption of a national bushfire bunker standard. On 28 May 2010 the Victorian Government adopted the national standard through an amendment to the Building Regulations.¹⁴

12.3 THE FINAL REPORT

12.3.1 FACILITATING AND MONITORING IMPLEMENTATION

The Commission's recommendations in its final report focus on improving preparation for, responses to and recovery from bushfires, with a view to protecting lives and making communities safer. Considerable work will be needed to implement those recommendations that are accepted by government.

Effective implementation will require the following:

- policy and legislative review and change
- investment in infrastructure (such as community refuges)
- new approaches to community engagement and education
- adequate resourcing of agencies, including local government, the CFA and DSE, to maintain ongoing work
- continuing interaction between governments so that efforts and resources across all levels can be assessed and coordinated
- continuing vigilance to ensure that as time passes governments, agencies and the community do not become complacent.

Now that the work of the Commission has ended, there is no State-sponsored process for reviewing implementation of the recommendations adopted. There is therefore a risk that the impetus to implement recommendations made in this final report will not be as sharp. This risk is highlighted by government responses to the implementation of some recommendations of previous reports. For example, inquiries into bushfires in Victoria in recent years made recommendations that recognised the significance of prescribed burning in managing bushfire risk and reducing the risks to life and property. Progressive recommendations have, however, had limited success in achieving suitable prescribed burning outcomes in Victoria.¹⁵ The Commission considers that a process is needed whereby government and the community have access to transparent, independently verified information on the response to the Commission's recommendations. Further, a process of review is required to maintain focus and ultimately inform the continuing cycle of policy development.

The State should nominate an independent implementation monitor or the Victorian Auditor-General to provide to the people of Victoria a report on implementation of the Commission's recommendations. The report should detail the progress made towards implementing each of the recommendations in this final report and those in the interim reports. The recommendations from the interim reports that have not been fully implemented (such as those concerning refuges) should be given specific focus. Other recommendations of a long-term and continuous nature that should receive particular attention by the implementation monitor are those that governments have previously shown reluctance to implement (for example, increased fuel-reduction targets, local solutions such as sirens, providing advice about the defendability of houses and contingency options such as community refuges and bushfire shelters) and major recommendations that will require substantial implementation effort (for example, replacing ageing electricity distribution infrastructure with technology that greatly reduces bushfire risk).

Where appropriate, annual reports of government and fire agencies should detail the outcomes and effectiveness of the response to the recommendations. If there is no discernible change, more extensive reform might be needed. For example, the Commission's approach to land-use planning is to strengthen different levels of the planning system so that bushfire risk can be given greater consideration in strategic and statutory decision making, with the intention that this will limit new houses being developed in high-risk areas and improve the safety of existing houses in high-risk areas. After two years an independent auditor could ascertain if this recommendation had limited new developments in areas that are highly prone to bushfire.

The Commission generally opted to make broad recommendations instead of numerous prescriptive recommendations. The broad recommendations are supplemented by guidance for implementation in the body of the chapter. The text in the various chapters provides conclusions and additional information on the nature of the reforms the Commission considers appropriate and should assist with development of the implementation plans approved by governments as well as the reporting of progress.

The Commission calls for annual public reporting to be used to transparently monitor progress towards ensuring that Victoria's bushfire mitigation and land management practices are improved. This can be achieved largely by means of annual reports and budget processes. Specifically, the Commission advocates the following:

- the Premier's Annual Statement of Legislative Intent be used to foreshadow legislative change arising from the Commission's recommendations
- the annual Victorian State Budget Papers include information on monies allocated to bushfire mitigation measures in departmental budgets
- the CFA's annual report provide details of progress in implementing the Commission's recommendations and data on the attainment of agreed targets, such as response times for fires
- DSE's annual report provide details of progress in implementing the Commission's recommendations, clear information on budget allocations, and data on attainment of targets for prescribed burning
- the proposed Fire Commissioner provide to the Minister for Police and Emergency Services an annual report that is made public and includes information on progress toward agency interoperability; improvements in the standardisation of technology, equipment and procedures; and achievement of common and agreed training, accreditation and performance standards.

RECOMMENDATION 66

The State appoint an independent monitor or the Victorian Auditor-General to assess progress with implementing the Commission's recommendations and report to the Parliament and the people of Victoria by 31 July 2012.

12.3.2 CONTINUING IMPLEMENTATION AND EVALUATION

Although the process just described would provide a transparent check that the legislation, policy reforms and programs necessary for implementing the Commission's recommendations are introduced, it does not guarantee that follow-up action will be maintained or reviewed to assess effectiveness. There needs to be a continuing policy review process (see Chapter 11).

Agencies responsible for managing bushfire risk should give implementation of the Commission's recommendations high priority and be adequately resourced to implement them.

Throughout this report a number of areas in which current resources are insufficient to achieve the desired outcomes have been noted. For example, there are deficiencies in the skills and resources available to local government to take up its greater role in bushfire planning and preparation. The Independent Monitor noted that local governments have struggled to implement the recommendations in the Commission's interim report because of constrained resources and the need for specialist personnel.¹⁶

Councils acknowledged they are limited by the resources available to them. For example, they said they lack technical expertise in relation to bushfires and have to rely on the CFA for advice in order to come up with any bushfire-related policies.¹⁷ It was also noted that many local governments, especially smaller rural councils, lack the breadth and depth of information and expertise to manage disasters and risks effectively.¹⁸

The Commission was sensitive to the imbalance between the various municipal councils in relation to their financial capacity. In a perverse way, those councils that face the need to apply substantial resources and effort to make their communities more bushfire safe are in many cases those that are the least well resourced. The State should consider whether further local government funding is needed to ensure that a lack of funding does not inhibit the introduction of necessary and agreed changes.

The Secretary of the Department of Justice, Ms Penny Armytage, noted that resourcing was necessary if local government is to fulfil its responsibilities in emergency management planning, fire prevention planning, land-use planning and vegetation management.¹⁹

Implementation of a number of recommendations will require continued cooperation among local, State and Commonwealth governments. The Commonwealth and State governments also need to continue to engage in preparation for and response to future bushfires.

Individuals and households have an important role to play, and the success of implementation will require community involvement, so that people have what they need to make good decisions and to ensure that responses are suited to local circumstances. As noted elsewhere in this report, the State has an expanded responsibility for preparing for and responding to bushfire risk, local government has an identified need to better plan for emergencies, and individuals have a heightened expectation that they will be able to avail themselves of improved opportunities for preparing for and responding to bushfire (see Chapter 1).

Implementation of the Commission's recommendations is a matter for all levels of government and the people of Victoria. It is in the interests of all that Victoria is made a safer place to live in, to allow residents to enjoy the environment with a reduced bushfire risk.

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- 1 B Teague, R McLeod, S Pascoe, *2009 Victorian Bushfires Royal Commission*, Interim Report, Parliament of Victoria, Melbourne, August 2009, p.23
 - 2 Exhibit 324 – Submissions of the State of Victoria – Implementation Plan (RESP.3000.003.0001)
 - 3 Exhibit 326 – Submissions of the Municipal Association of Victoria – Implementation Plan – Interim Recommendations 6.4, 8.2 and 8.7 (RESP.4000.001.0001)
 - 4 Exhibit 325 – Submissions of the Commonwealth – 2009 Victorian Bushfires Royal Commission Interim Report: Commonwealth Response (RESP.6000.001.0001) at 0001
 - 5 Comrie T17427:28–T17428:1
 - 6 Exhibit 840 – Statement of Comrie (WIT.3031.001.0001) [3]
 - 7 Exhibit 840 – Statement of Comrie, Annexure 1 (WIT.3031.001.0004) at 0010; Comrie T17427:27–T17519:17
 - 8 Exhibit 840 – Statement of Comrie, Annexure 1 (WIT.3031.001.0004) at 0009
 - 9 Exhibit 828 – Statement of Duckmanton (WIT.3004.041.0056) [14.6]–[14.14]
 - 10 Exhibit 840 – Statement of Comrie, Annexure 1 (WIT.3031.001.0004) at 0070
 - 11 Exhibit 840 – Statement of Comrie, Annexure 1 (WIT.3031.001.0004) at 0050, 0075
 - 12 Exhibit 840 – Statement of Comrie, Annexure 1 (WIT.3031.001.0004) at 0009–0010
 - 13 Exhibit 841 – Consolidated Commonwealth Delivery Report (RESP.6006.001.0001) at 0003–0004
 - 14 Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2010, r. 3(1)
 - 15 Exhibit 546 – Linton Report (TEN.132.001.0001) at 0671–0673; Exhibit 720 – Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria (TEN.090.001.0001) at 0026
 - 16 Comrie T17476:21–T17476:26
 - 17 Exhibit 688 – Key Introductory Propositions of MAV and 77 Councils (EXH.688.0001) [7]–[8]
 - 18 Exhibit 706 – Local Government – Land Use Planning and Risk Mitigation – National Research Paper (TEN.212.001.0001) at 0035, 0044
 - 19 Exhibit 931 – Statement of Armytage (WIT.3003.002.0001) [110]–[111]